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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM193; Special Conditions No. 25-183-SC]

Special Conditions: Boeing Model 737-7BC Airplane; Certification of Cooktops

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Boeing Model 737-700 airplane modified by Piedmont Hawthorne-Associated Air Center. This modified airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The modification incorporates the installation of an electrically heated surface, called a cooktop. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for addressing the potential hazards that may be introduced by cooktops. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is July 19, 2001. Comments must be received on or before September 10, 2001.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attention: Rules Docket (ANM-113), Docket No. NM193, 1601 Lind Avenue SW., Renton, Washington 98055-4056; or delivered in duplicate to the

Transport Airplane Directorate at the above address. All comments must be marked: *Docket No. NM193*. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT:

Alan Sinclair, FAA, Airframe/Cabin Safety Branch, ANM-115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (425) 227-2195; facsimile (425) 227-1149.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay certification of the airplane and thus delivery of the affected aircraft. In addition, the substance of these special conditions has previously been subject to the public comment process with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

Interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the rules docket number and be submitted in duplicate to the address specified above. The Administrator will consider all communications received on or before the closing date for comments. The special conditions described in this document may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to these special conditions must include with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM193." The postcard will be date stamped and returned to the commenter.

Background Information

On January 11, 2001, Piedmont Hawthorne—Associated Air Center, P.O. Box 540728, (8321 Lemmon Ave, Love Field), Dallas, Texas 75234, applied for a Supplemental Type Certificate (STC) to modify the Boeing Model 737-7BC airplane. The Model 737-7BC is one of the Boeing Business Jet (BBJ) variants of Model 737 airplanes. It is a large transport category airplane powered by two CFM 56 engines, with a maximum takeoff weight of 171,000 pounds. The modified 737-7BC airplane operates with a 2-pilot crew, up to 3 flight attendants, and can hold up to 18 passengers.

The modification incorporates the installation of an electrically heated surface, called a cooktop. Cooktops introduce high heat, smoke, and the possibility of fire into the passenger cabin environment. These potential hazards to the airplane and its occupants must be satisfactorily addressed. Since existing airworthiness regulations do not contain safety standards addressing cooktops, special conditions are therefore needed.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Piedmont Hawthorne—Associated Air Center must show that the Boeing Model 737-7BC airplane, as changed, continues to meet the applicable provisions of the regulations incorporated by reference in Type Certificate Data Sheet No. A16WE, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis." The regulations incorporated by reference in Type Certificate Data Sheet No. A16WE are part 25, as amended by Amendments 25-1 through 25-77, with reversion to earlier amendments, voluntary compliance with later amendments, special conditions, equivalent safety findings, and exemptions listed in the Type Certificate Data Sheet.

If the Administrator finds that the applicable airworthiness regulations (that is, part 25 as amended) do not contain adequate or appropriate safety standards for the Boeing Model 737-7BC airplane modified by Piedmont Hawthorne—Associated Air Center because of a novel or unusual design

feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, this Boeing Model 737-7BC airplane must comply with the fuel vent and exhaust emission requirements of part 34 and the noise certification requirements of part 36.

Special conditions, as defined in § 11.19, are issued in accordance with § 11.38, and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should Piedmont Hawthorne-Associated Air Center apply at a later date for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

As noted earlier, the modification of the Boeing Model 737-7BC airplane will include installation of a cooktop in the passenger cabin. Cooktops introduce high heat, smoke, and the possibility of fire into the passenger cabin environment. The current airworthiness standards of part 25 do not contain adequate or appropriate safety standards to protect the airplane and its occupants from these potential hazards. Accordingly, this system is considered to be a novel or unusual design feature.

Discussion

Currently, ovens are the prevailing means of heating food on airplanes. Ovens are characterized by an enclosure that contains both the heat source and the food being heated. The hazards represented by ovens are thus inherently limited, and are well understood through years of service experience. Cooktops, on the other hand, are characterized by exposed heat sources and the presence of relatively unrestrained hot cookware and heated food, which may represent unprecedented hazards to both occupants and the airplane. Cooktops could have serious passenger and airplane safety implications if appropriate requirements are not established for their installation and use. These special conditions apply to cooktops with electrically-powered burners equipped with an automatic power shut off feature, which turn off the power to the cooktop whenever the cooktop cover is closed. This automatic shut off feature prevents the cooktop

from being a hazard to the passengers and crew and from becoming a fire hazard when the cover is closed thus increasing the level of safety. Since the design proposed by Associated Air Center currently includes this power shut off feature it was not deemed necessary to include it in the design limitations, but it should be known that the automatic power shut off feature will be required for all future cooktop designs.

The use of an open flame cooktop (for example natural gas) is beyond the scope of these special conditions and would require separate rulemaking action. The requirements identified in these special conditions are in addition to those considerations identified in Advisory Circular (AC) 25-10, Guidance for Installation of Miscellaneous Non-required Electrical Equipment, and those in AC 25-17, Transport Airplane Cabin Interiors Crashworthiness Handbook. The intent of these special conditions is to provide a level of safety that is consistent with that on similar airplanes without cooktops.

Applicability

As discussed above, these special conditions are applicable to the Boeing Model 737-7BC airplane modified by Piedmont Hawthorne-Associated Air Center. Should Piedmont Hawthorne-Associated Air Center apply at a later date for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on the Boeing Model 737-7BC airplane modified by Piedmont Hawthorne-Associated Air Center. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has previously been subjected to the notice and comment period and has been derived without substantive change. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon

issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunity for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for the Boeing Model 737-7BC airplane modified by Piedmont Hawthorne-Associated Air Center.

Cooktop Installations With Electrically-Powered Burners

1. Means, such as conspicuous burner-on indicators, physical barriers, or handholds, must be installed to minimize the potential for inadvertent personnel contact with hot surfaces of both the cooktop and cookware. Conditions of turbulence must be considered.

2. Sufficient design means must be included to restrain cookware while in place on the cooktop, as well as representative contents (soups or sauces, for example) from the effects of flight loads and turbulence.

(a) Restraints must be provided to preclude hazardous movement of cookware and contents. These restraints must accommodate any cookware that is identified for use with the cooktop.

(b) Restraints must be designed to be easily utilized and effective in service. The cookware restraint system should also be designed so that it will not be easily disabled, thus rendering it unusable.

(c) Placarding must be installed which prohibits the use of cookware that cannot be accommodated by the restraint system.

3. Placarding must be installed which prohibits the use of cooktops (that is, power on any burner) during taxi, takeoff, and landing (TTL).

4. Means must be provided to address the possibility of a fire occurring on or in the immediate vicinity of the cooktop caused by materials or grease inadvertently coming in contact with the burners.

Note: Two acceptable means of complying with this requirement are as follows:

- Placarding must be installed that prohibits any burner from being powered when the cooktop is unattended (this would prohibit a single person from cooking on the cooktop and intermittently serving food to passengers while any burner is powered). In addition, a fire detector must be installed in the vicinity of the cooktop, which provides an audible warning in the passenger cabin; and a fire extinguisher of appropriate size and extinguishing agent must be installed in the immediate vicinity of the cooktop. A fire on or around the cooktop must not block access to the extinguisher. One of the fire extinguishers required by § 25.851 may be used to satisfy this requirement if the total complement of extinguishers can be evenly distributed throughout the cabin. If this is not possible, then the extinguisher in the galley area would be additional.

OR

- An automatic, thermally-activated fire suppression system must be installed to extinguish a fire at the cooktop and immediately adjacent surfaces. The agent used in the system must be an approved total flooding agent suitable for use in an occupied area. The fire suppression system must have a manual override. The automatic activation of the fire suppression system must also automatically shut off power to the cooktop.

5. The surfaces of the galley surrounding the cooktop, which would be exposed to a fire on the cooktop surface or in cookware on the cooktop, must be constructed of materials that comply with the flammability requirements of part III of appendix F to part 25. This requirement is in addition to the flammability requirements typically required of the materials in these galley surfaces. During the selection of these materials, consideration must also be given to ensure that the flammability characteristics of the materials will not be adversely affected by the use of cleaning agents and utensils used to remove cooking stains.

6. The cooktop must be ventilated with a system independent of the airplane cabin and cargo ventilation system. Procedures and time intervals must be established to inspect and clean or replace the ventilation system to prevent a fire hazard from the accumulation of flammable oils. These procedures and time intervals must be included in the Instructions for Continued Airworthiness (ICA). The ventilation system ducting must be protected by a flame arrestor.

Note: The applicant may find additional useful information in Society of Automotive Engineers, Aerospace Recommended Practice 85, Rev. E, entitled "Air Conditioning Systems for Subsonic Airplanes," dated August 1, 1991.

7. Means must be provided to contain spilled foods or fluids in a manner that will prevent the creation of a slipping

hazard to occupants and will not lead to the loss of structural strength due to airplane corrosion.

8. Cooktop installations must provide adequate space for the user to immediately escape a hazardous cooktop condition.

9. A means to shut off power to the cooktop must be provided at the galley containing the cooktop and in the cockpit. If additional switches are introduced in the cockpit, revisions to smoke or fire emergency procedures of the AFM will be required.

Issued in Renton, Washington, on July 20, 2001.

Dorenda D. Baker,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-18803 Filed 7-26-01; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30259; Amdt. No. 2061]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800

Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

*For Purchase—*Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954-4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charges printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies

the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports,
Navigation (air).

Issued in Washington, DC on July 20, 2001.
Nicholas A. Sabatini,
Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective August 9, 2001*

Provo, UT, Provo Muni, OR, DME RWY 13, Orig
Provo, UT, Provo Muni, ILS Z RWY 13, Orig

* * * *Effective September 6, 2001*

Ontario, CA, Ontario Intl, VOR/DME RWY 8L, Orig-A
Ontario, CA, Ontario Intl, VOR OR TACAN RWY 26R, Amdt 10A
Ontario, CA, Ontario Intl, NDB RWY 26L, Amdt 3A
Ontario, CA, Ontario Intl, NDB RWY 26R, Amdt 3
Ontario, CA, Ontario Intl, ILS, RNAV (GPS), RWY 8L 26R, Orig
Ontario, CA, Ontario Intl, RNAV (GPS) RWY 8R, Orig
Ontario, CA, Ontario Intl, RNAV (GPS) RWY 26R, Orig
Ontario, CA, Ontario Intl, RNAV (GPS) RWY 26L, Orig
Eagle, CO, Eagle County Regional, GPS-D, Orig, CANCELLED
Bridgeport, CT, Igor I. Sikorsky Memorial, VOR RWY 6, Amdt 21
Bridgeport, CT, Igor I. Sikorsky Memorial, VOR RWY 24, Amdt 16
Bridgeport, CT, Igor I. Sikorsky Memorial, VOR RWY 29, Amdt 2
Bridgeport, CT, Igor I. Sikorsky Memorial, ILS RWY 6, Amdt 9
Bridgeport, CT, Igor I. Sikorsky Memorial, RNAV (GPS) RWY 6 Orig
Bridgeport, CT, Igor I. Sikorsky Memorial, RNAV (GPS) RWY 24, Orig

Bridgeport, CT, Igor I. Sikorsky Memorial, RNAV (GPS) RWY 29, Orig
Bridgeport, CT, Igor I. Sikorsky Memorial, GPS RWY 29, Amdt 1A, CANCELLED
Morris, IL, Morris Muni-James R. Washburn Field, VOR-A, Orig
Morris, IL, Morris Muni-James R. Washburn Field, VOR OR GPS-A, Amdt 9a, CANCELLED
Bloomington, IN, Monroe County, VOR RWY 6, Amdt 17
Bloomington, IN, Monroe County, VOR RWY 17, Amdt 12
Bloomington, IN, Monroe County, VOR RWY 24, Amdt 11
Bloomington, IN, Monroe County, VOR/DME RWY 35, Amdt 15
Bloomington, IN, Monroe County, NDB RWY 35, Amdt 5
Bloomington, IN, Monroe County, ILS RWY 35, Amdt 5
Bloomington, IN, Monroe County, RNAV (GPS) RWY 6, Orig
Bloomington, IN, Monroe County, RNAV (GPS) RWY 17, Orig
Bloomington, IN, Monroe County, RNAV (GPS) RWY 24, Orig
Bloomington, IN, Monroe County, RNAV (GPS) RWY 35, Orig
Bowling Green, KY Bowling Green—Warren County Regional, VOR/DME RWY 21, Amdt 8
Indian Head, MD, Maryland, RNAV (GPS) RWY 36, Orig
Charlotte, NC, Charlotte/Douglas Intl, VOR/DME RWY 18L, Amdt 6A
Fayetteville, NC, Fayetteville Regional/Grannis Field, VOR RWY 22, Amdt 5A
Fayetteville, NC, Fayetteville Regional/Grannis Field, NDB RWY 4, Amdt 15
Fayetteville, NC, Fayetteville Regional/Grannis Field, RNAV (GPS) RWY 4, Orig
Fayetteville, NC, Fayetteville Regional/Grannis Field, RNAV (GPS) RWY 22, Orig
Millington, TN, Millington Muni, ILS RWY 22, Amdt 2
Heber City, UT, Heber City Muni-Russ McDonald Field, RNAV (GPS)-A, Orig
Rutland, VT, Rutland State, VOR/DME RWY 1, Orig
Rutland, VT, Rutland State, VOR/DME RWY 19, Orig
Olympia, WA, Olympia, ILS RWY 17, Amdt 9
Renton, WA, Renton Muni, NDB RWY 15, Amdt 3
Renton, WA, Renton Muni, RNAV (GPS) RWY 15, Orig
Renton, WA, Renton Muni, GPS RWY 15, Orig-A, CANCELLED
Seattle, WA, Boeing Field/King County Intl, LOC/DME RWY 13R, Amdt 1
Seattle, WA, Boeing Field/King County Intl, ILS RWY 13R, Amdt 28
Seattle, WA, Boeing Field/King County Intl, ILS RWY 31L, Amdt 1
Seattle, WA, Seattle-Tacoma Intl, VOR RWY 16L/R, Amdt 13
Seattle, WA, Seattle-Tacoma Intl, VOR RWY 34L/R, Amdt 9
Seattle, WA, Seattle-Tacoma Intl, NDB RWY 16R, Amdt 1
Seattle, WA, Seattle-Tacoma Intl, NDB RWY 34R, Amdt 8
Seattle, WA, Seattle-Tacoma Intl, ILS RWY 34L, Orig

Seattle, WA, Seattle-Tacoma Intl, ILS RWY 16R, Amdt 12
 Seattle, WA, Seattle-Tacoma Intl, ILS/DME RWY 34L, Amdt 1A, CANCELLED
 Seattle, WA, Seattle-Tacoma Intl, ILS RWY 16L, Amdt 1
 Seattle, WA, Seattle-Tacoma Intl, ILS RWY 34R, Orig
 Seattle, WA, Seattle-Tacoma Intl, ILS/DME RWY 34R, Amdt 1, CANCELLED
 Seattle, WA, Seattle-Tacoma Intl, RNAV (GPS) RWY 16R, Orig
 Seattle, WA, Seattle-Tacoma Intl, RNAV (GPS) RWY 16L, Orig
 Seattle, WA, Seattle-Tacoma Intl, RNAV (GPS) RWY 34L, Orig
 Seattle, WA, Seattle-Tacoma Intl, RNAV (GPS) RWY 34R, Orig

Note: The following cancellation in Docket No. 30257, Amdt. No. 2059, to Part 97 of the Federal Aviation Administration Regulations (Federal Register Vol. 66, number 137, Rules and Regulations, pages 37134–37136, dated July 17, 2001) under § 97.33 effective September 6, 2001 is hereby rescinded: Lincoln, NE, Lincoln Muni, GPS RWY 14, Orig-A (Cancelled).

[FR Doc. 01–18805 Filed 7–26–01; 8:45 am]
 BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30260; Amdt. No. 2062]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the

affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment, are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this

amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Dated: Issued in Washington, DC, on July 20, 2001.

Nicholas A. Sabatini,
Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the

Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as Follows:

* * * *Effective Upon Publication*

FDC Date	State	City	Airport	FDC No.	Subject
07/05/01	OR	Eugene	Mahlon Sweet Field	1/6613	VOR/DME or TACAN Rwy 16, Amdt 4.
07/05/01	OR	Eugene	Mahlon Sweet Field	1/6615	NDB Rwy 16, Amdt 29B.
07/05/01	OR	Eugene	Mahlon Sweet Field	1/6621	GPS Rwy 34, Orig-B.
07/06/01	TX	Longview	Gregg County	1/6662	VOR/DME or TACAN Rwy 13, Orig.
07/06/01	OR	Eugene	Mahlon Sweet Field	1/6699	ILS Rwy 16 (Cat I, II), Amdt 34A.
07/06/01	MN	ADA/Twin Valley	Norman County ADA/Twin Valley	1/6717	GPS Rwy 33, Orig.
07/06/01	NY	Westhampton Beach	The Francis S. Gabreski	1/6732	COPTER ILS Rwy 24, Amdt 1A.
07/06/01	FL	Lake City	Lake City Muni	1/6718	RNAV (GPS) Rwy 10, Orig-B.
07/09/01	OR	Eugene	Mahlon Sweet Field	1/6785	GPS Rwy 16, Orig.
07/11/01	VT	Burlington	Burlington Intl	1/6875	ILS Rwy 15, Amdt 21D.
07/11/01	OH	Columbus	Port Columbus Intl	1/6906	ILS Rwy 10L, Amdt 17.
07/11/01	OH	Columbus	Port Columbus Intl	1/6908	NDB Rwy 10L, Amdt 8B.
07/11/01	UT	Salt Lake City	Salt Lake City Intl	1/6909	RNAV (GPS) Rwy 16L, Orig.
07/12/01	MI	Detroit	Detroit Metropolitan Wayne County	1/6923	ILS Rwy 21R, Amdt 26C.
07/12/01	MI	Detroit	Detroit Metropolitan Wayne County	1/6924	ILS Rwy 3L (Cat I, II, III), Amdt 14C.
07/12/01	MI	Detroit	Detroit Metropolitan Wayne County	1/6925	NDB or GPS Rwy 3C, Amdt 12A.
07/12/01	MI	Detroit	Detroit Metropolitan Wayne County	1/6926	NDB or GPS Rwy 3L, Amdt 10C.
07/12/01	NY	Westhampton Beach	The Francis S. Gabreski	1/6937	COPTER ILS Rwy 24, Amdt 1B.
07/12/01	PA	Philadelphia	Philadelphia Intl	1/6938	ILS Rwy 9R (Cat I, II, III), Amdt 8A.
07/12/01	MO	Lebanon	Floyd W. Jones Lebanon	1/6944	SFT Rwy 36, Amdt 5.
07/12/01	MO	Lebanon	Floyd W. Jones Lebanon	1/6945	NDB Rwy 36, Amdt 6.
07/12/01	MO	Lebanon	Floyd W. Jones Lebanon	1/6946	RNAV (GPS) Rwy 18, Orig.
07//01	MO	Lebanon	Floyd W. Jones Lebanon	1/6947	RNAV (GPS) Rwy 36, Orig.
07/12/01	TX	Del Rio	Del Rio Intl	1/6975	RNAV (GPS) Rwy 13, Orig.
07/12/01	MI	Detroit	Detroit Metropolitan Wayne County	1/6984	VOR or GPS Rwy 21R, Amdt 1C.
07/12/01	AR	Fort Smith	Fort Smith Regional	1/6988	NDB Rwy 25, Amdt 24B.
07/13/01	UT	Salt Lake City	Salt Lake City Intl	1/7026	ILS Rwy 17, Amdt 12.
07/13/01	CA	Redding	Redding Muni	1/7047	VOR Rwy 34, Amdt 10C.
07/16/01	TX	Houston	Houston Gulf	1/7142	VOR Rwy 31, Amdt 1A.
07/16/01	TX	Houston	Houston Gulf	1/7143	GPS Rwy 31, Orig.
07/17/01	NY	White Plains	Westchester County	1/7185	ILS Rwy 16, Amdt 22D.

[FR Doc. 01-18806 Filed 7-26-01; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY**Bureau of Alcohol, Tobacco and Firearms****27 CFR Parts 40, 46, 70, 200, 270, 275, 290, and 295****[T.D. ATF-460]****RIN 1512-AC39****Manufacture of Tobacco Products and Cigarette Papers and Tubes, Recodification of Regulations (2001R-57P)****AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.**ACTION:** Final rule (Treasury decision).

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is recodifying the regulations pertaining to the manufacture of tobacco products and cigarette papers and tubes. The purpose of this recodification is to reissue the regulations in part 270 of title 27 of the Code of Federal Regulations (27 CFR part 270) as 27 CFR part 40. This change improves the organization of title 27.

DATES: This rule is effective on July 27, 2001.

FOR FURTHER INFORMATION CONTACT: Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, (202-927-9347) or e-mail at LMGesser@atfhq.atf.treas.gov.

SUPPLEMENTARY INFORMATION:**Background**

As a part of continuing efforts to reorganize the part numbering system of title 27 CFR, ATF is removing part 270, in its entirety, and is recodifying the regulations as 27 CFR part 40. This change improves the organization of title 27 CFR.

DERIVATION TABLE FOR PART 40

The requirements of:	Are derived from:
Subpart A	
Sec:	
40.1	270.1
40.2	270.2
Subpart B	
40.11	270.11

DERIVATION TABLE FOR PART 40—Continued

The requirements of:	Are derived from:
Subpart C	
40.21	270.21
40.22	270.22
40.23	270.23
40.24	270.24
40.25	270.25
40.25a	270.25a
40.26	270.26
40.27	270.27
Subpart Ca	
40.31	270.31
40.32	270.32
40.33	270.33
40.34	270.34
40.35	270.35
40.36	270.36
Subpart D	
40.41	270.41
40.42	270.42
40.43	270.43
40.44	270.44
40.45	270.45
40.46	270.46
40.47	270.47
40.48	270.48
40.49	270.49
Subpart E	
40.61	270.61
40.61a	270.61a
40.62	270.62
40.63	270.63
40.64	270.64
40.65	270.65
40.66	270.66
40.67	270.67
40.68	270.68
40.69	270.69
40.70	270.70
40.71	270.71
40.72	270.72
40.73	270.73
40.74	270.74
40.75	270.75
40.76	270.76
Subpart F	
40.91	270.91
40.92	270.92
40.93	270.93
40.101	270.101
40.102	270.102
40.103	270.103
40.104	270.104
40.111	270.111
40.112	270.112
40.113	270.113
40.114	270.114
Subpart G	
40.131	270.131
40.132	270.132
40.133	270.133

DERIVATION TABLE FOR PART 40—Continued

The requirements of:	Are derived from:
40.134	270.134
40.135	270.135
40.136	270.136
40.137	270.137
40.138	270.138
40.139	270.139
40.140	270.140
Subpart H	
40.161	270.161
40.162	270.162
40.163	270.163
40.164	270.164
40.165	270.165
40.165a	270.165a
40.166	270.166
40.167	270.167
40.168	270.168
40.169	270.169
40.170	270.170
40.171	270.171
40.181	270.181
40.182	270.182
40.183	270.183
40.184	270.184
40.185	270.185
40.186	270.186
40.187	270.187
40.201	270.201
40.202	270.202
40.203	270.203
40.211	270.211
40.212	270.212
40.213	270.213
40.214	270.214
40.215	270.215
40.216	270.216
40.116a	270.116a
40.116b	270.116b
40.116c	270.116c
40.217	270.217
40.231	270.231
40.232	270.232
40.233	270.233
40.234	270.234
40.235	270.235
40.236	270.236
40.251	270.251
40.252	270.252
40.253	270.253
40.254	270.254
40.255	270.255
Subpart I	
40.281	270.281
40.282	270.282
40.283	270.283
40.284	270.284
40.285	270.285
40.286	270.286
40.287	270.287
40.301	270.301
40.311	270.311

DERIVATION TABLE FOR PART 40—
Continued

The requirements of:	Are derived from:
40.312	270.312
40.313	270.313

Subpart J

40.331	270.331
40.332	270.332

Subpart K

40.351	270.351
40.352	270.352
40.353	270.353
40.354	270.354
40.355	270.355
40.356	270.356
40.357	270.357
40.358	270.358
40.359	270.359
40.360	270.360
40.361	270.361
40.371	270.371
40.372	270.372
40.373	270.373
40.374	270.374
40.375	270.375
40.382	270.382
40.383	270.383
40.384	270.384
40.385	270.385
40.386	270.386
40.387	270.387
40.391	270.391
40.392	270.392
40.393	270.393
40.394	270.394
40.395	270.395
40.396	270.396
40.397	270.397
40.401	270.401
40.402	270.402
40.403	270.403
40.404	270.404
40.405	270.405
40.406	270.406
40.407	270.407
40.408	270.408
40.409	270.409
40.410	270.410
40.421	270.421
40.422	270.422
40.423	270.423
40.424	270.424
40.425	270.425
40.426	270.426
40.431	270.431
40.432	270.432
40.433	270.433
40.434	270.434
40.435	270.435
40.441	270.441
40.451	270.451
40.452	270.452
40.453	270.453
40.454	270.454
40.461	270.461
40.471	270.471
40.472	270.472
40.473	270.473
40.474	270.474

DERIVATION TABLE FOR PART 40—
Continued

The requirements of:	Are derived from:
40.475	270.475
40.476	270.476
40.477	270.477
40.478	270.478

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because there are no new or revised recordkeeping or reporting requirements.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule under the Administrative Procedure Act (5 U.S.C. 553), the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. We sent a copy of this final rule to the Chief Counsel for Advocacy of the Small Business Administration in accordance with 26 U.S.C. 7805(f). No comments were received.

Executive Order 12866

This final rule is not a significant regulatory action as defined in Executive Order 12866. Accordingly, this final rule is not subject to the analysis required by this Executive Order.

Administrative Procedure Act

Because this final rule merely makes technical amendments and conforming changes to improve the clarity of the regulations, it is unnecessary to issue this final rule with notice and public procedure under 5 U.S.C. 553(b). Similarly, because of the nature of this final rule, good cause is found that it is unnecessary to subject this final rule to the effective date limitation of 5 U.S.C. 553(d).

Drafting Information

The principal author of this document is Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects*27 CFR Part 40*

Cigars and cigarettes, Claims, Electronic funds transfers, Excise taxes, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds, Tobacco.

27 CFR Part 46

Cigars and cigarettes, Claims, Excise taxes, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds, Tobacco.

27 CFR Part 70

Administrative practice and procedure, Claims, Excise taxes, Freedom of information, Law enforcement, Penalties, Reporting and recordkeeping requirements, Surety bonds.

27 CFR Part 200

Administrative practice and procedure, Alcohol and alcoholic beverages, Tobacco.

27 CFR Part 270

Cigars and cigarettes, Claims, Electronic funds transfers, Excise taxes, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds, Tobacco.

27 CFR Part 275

Cigars and cigarettes, Claims, Customs duties and inspection, Electronic funds transfers, Excise taxes, Imports, Labeling, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Surety bonds, Tobacco, Virgin Islands, Warehouses.

27 CFR Part 290

Aircraft, Armed forces, Cigars and cigarettes, Claims, Customs duties and inspection, Excise taxes, Exports, Foreign trade zones, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds, Tobacco, Vessels, Warehouses.

27 CFR Part 295

Cigars and cigarettes, Excise taxes, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Tobacco.

Authority and Issuance

ATF is amending title 27 of the Code of Federal Regulations as follows:

**PART 46—MISCELLANEOUS
REGULATIONS RELATING TO
TOBACCO PRODUCTS AND
CIGARETTE PAPERS AND TUBES**

Paragraph 1. The authority citation for 27 CFR part 46 continues to read as follows:

Authority: 18 U.S.C. 2341–2346, 26 U.S.C. 5708, 5751, 5761–5763, 6001, 6601, 6621, 6622, 7212, 7342, 7602, 7606, 7805, 44 U.S.C. 3504(h), 49 U.S.C. 782, unless otherwise noted.

§ 46.72 [Amended]

Par. 2. Amend the definition of “Sale price” in § 46.72 by removing the reference to “§§ 270.22 or 275.39” and adding, in its place, a reference to “§ 40.22 or § 275.39.”

§§ 46.166 and 46.167 [Amended]

Par. 3. Remove the reference to “parts 270 and 275,” each place it appears, and add, in its place, a reference to “parts 40 and 275,” in the following places:

- a. Section 46.166; and
- b. Section 46.167, paragraphs (a) and (c)

§ 46.255 [Amended]

Par. 4. Amend paragraph (a) of § 46.255 by removing the reference to “part 270” and adding, in its place, a reference to “part 40.”

PART 70—PROCEDURE AND ADMINISTRATION

Par. 5. The authority citation for 27 CFR part 70 continues to read as follows:

Authority: 5 U.S.C. 301 and 552; 26 U.S.C. 4181, 4182, 5146, 5203, 5207, 5275, 5367, 5415, 5504, 5555, 5684(a), 5741, 5761(b), 5802, 6020, 6021, 6064, 6102, 6155, 6159, 6201, 6203, 6204, 6301, 6303, 6311, 6313, 6314, 6321, 6323, 6325, 6326, 6331–6343, 6401–6404, 6407, 6416, 6423, 6501–6503, 6511, 6513, 6514, 6532, 6601, 6602, 6611, 6621, 6622, 6651, 6653, 6656–6658, 6665, 6671, 6672, 6701, 6723, 6801, 6862, 6863, 6901, 7011, 7101, 7102, 7121, 7122, 7207, 7209, 7214, 7304, 7401, 7403, 7406, 7423, 7424, 7425, 7426, 7429, 7430, 7432, 7502, 7503, 7505, 7506, 7513, 7601–7606, 7608–7610, 7622, 7623, 7653, 7805.

§ 70.431 [Amended]

Par. 6. Amend paragraph (b)(2) of § 70.431 by removing the reference to “Part 270” and adding, in its place, a reference to “Part 40.”

PART 200—RULES OF PRACTICE IN PERMIT PROCEEDINGS

Par. 7. The authority citation for 27 CFR part 200 continues to read as follows:

Authority: 26 U.S.C. 7805, 27 U.S.C. 204.

§ 200.49b [Amended]

Par. 8. Amend paragraph (b) of § 200.49b by removing the reference to “§ 270.61” and adding, in its place, a reference to “§ 40.61.”

PART 275—IMPORTATION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

Par. 9. The authority citation for 27 CFR part 275 continues to read as follows:

Authority: 18 U.S.C. 2342; 26 U.S.C. 5701, 5703, 5704, 5705, 5708, 5712, 5713, 5721, 5722, 5723, 5741, 5754, 5761, 5762, 5763, 6301, 6302, 6313, 6404, 7101, 7212, 7342, 7606, 7652, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 275.39 [Amended]

Par. 10. Amend § 275.39 by removing the reference to “§ 270.22(b)” and adding, in its place, a reference to “§ 40.22(b).”

§§ 275.63, 275.82, 275.85, 275.85a, 275.86, 275.115a and 275.140 [Amended]

Par. 11. Remove the reference to “part 270,” each place it appears, and add, in its place, a reference to “part 40,” in the following places:

- a. Section 275.63(a);
- b. Section 275.82(b);
- c. Section 275.85(b);
- d. Section 275.85a(c);
- e. Section 275.86(a);
- f. Section 275.115a(a)(1) and (b)(1); and
- g. Section 275.140.

PART 290—EXPORTATION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX

Par. 12. The authority citation for 27 CFR part 290 continues to read as follows:

Authority: 26 U.S.C. 5142, 5143, 5146, 5701, 5703–5705, 5711–5713, 5721–5723, 5731, 5741, 5751, 5754, 6061, 6065, 6151, 6402, 6404, 6806, 7011, 7212, 7342, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 290.11 [Amended]

Par. 13. Amend the definition of “Sale price” in § 290.11 by removing the reference to “§§ 270.22 or 275.39” and adding, in its place, a reference to “§ 40.22 or § 275.39.”

§ 290.67 [Amended]

Par. 14. Amend paragraph (b) of § 290.67 by removing the reference to “§ 270.21” and adding, in its place, a reference to “§ 40.21.”

§ 290.184 [Amended]

Par. 15. Amend § 290.184 by removing the reference to “§ 270.65” and adding, in its place, a reference to “§ 40.65.”

§ 290.243 [Amended]

Par. 16. Amend § 290.243 by removing the reference to “§ 270.199” and adding, in its place, a reference to “§ 40.199.”

PART 295—REMOVAL OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX FOR USE OF THE UNITED STATES

Par. 17. The authority citation for 27 CFR part 295 continues to read as follows:

Authority: 26 U.S.C. 5703, 5704, 5705, 5723, 5741, 5751, 5762, 5763, 6313, 7212, 7342, 7606, 7805, 44 U.S.C. 3504(h).

§ 295.11 [Amended]

Par. 18. Amend the definition of “Sale price” in § 295.11 by removing the reference to “§§ 270.22 or 275.39” and adding, in its place, a reference to “§ 40.22 or § 275.39.”

§§ 295.34 and 295.51 [Amended]

Par. 19. Remove the reference to “part 270” and add, in its place, a reference to “part 40,” in the following places:

- a. Section 295.34; and
- b. Section 295.51(a), introductory text.

§ 295.42 [Amended]

Par. 20. Amend § 295.42 by removing the reference to “§ 270.65” and adding, in its place, a reference to “§ 40.65.”

§ 295.45c [Amended]

Par. 21. Amend § 295.45c as follows:

- a. In paragraph (b), remove the reference to “§§ 270.212 and 270.216b(b)” and add, in its place, a reference to “§§ 40.212 and 40.216b(b)”;
- and
- b. In paragraph (c), remove the reference to “§ 270.216b(a)” and add, in its place, a reference to “§ 40.216b(a).”

PART 270—MANUFACTURE OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

Par. 22. The authority citation for 27 CFR part 270 continues to read as follows:

Authority: 26 U.S.C. 5142, 5143, 5146, 5701, 5703–5705, 5711–5713, 5721–5723, 5731, 5741, 5751, 5753, 5761–5763, 6061, 6065, 6109, 6151, 6301, 6302, 6311, 6313, 6402, 6404, 6423, 6676, 6806, 7011, 7212, 7325, 7342, 7502, 7503, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

Part 270 [Transferred to Subchapter B and Redesignated as Part 40]

Par. 23. Transfer 27 CFR part 270 to Subchapter B and redesignate as 27 CFR part 40.

PART 40—MANUFACTURE OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

Par. 24. The authority citation for the newly redesignated 27 CFR part 40 reads as follows:

Authority: 26 U.S.C. 5142, 5143, 5146, 5701, 5703–5705, 5711–5713, 5721–5723, 5731, 5741, 5751, 5753, 5761–5763, 6061, 6065, 6109, 6151, 6301, 6302, 6311, 6313, 6402, 6404, 6423, 6676, 6806, 7011, 7212, 7325, 7342, 7502, 7503, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 40.11 [Amended]

Par. 25. Amend § 40.11 as follows:

- a. In the definition of “Appropriate ATF officer,” remove the reference to “ATF Order 1130.15, Delegation Order—Delegation of Certain of the Director’s Authorities in 27 CFR Parts 46, 270, and 275” and add, in its place, a reference to “ATF Order 1130.30, Delegation Order—Delegation of the Director’s Authorities in 27 CFR Part 40—Manufacture of Tobacco Products and Cigarette Papers and Tubes”; and
- b. In the definition of “Sale price,” remove the reference to “§ 270.22” and add, in its place, a reference to “§ 40.22.”

§§ 40.21, 40.183, and 40.187 [Amended]

Par. 26. Remove the reference to “§ 270.22” and add, in its place, a reference to “§ 40.22,” in the following places:

- a. Section 40.21(b);
- b. Section 40.183(e); and
- c. Section 40.187.

§ 40.31 [Amended]

Par. 27. Amend paragraph (a) of § 40.31 by removing the reference to “§ 270.32” and adding, in its place, a reference to “§ 40.32.”

§ 40.32 [Amended]

Par. 28. Amend paragraph (b) of § 40.32 by removing the reference to “§ 270.31” and adding, in its place, a reference to “§ 40.31.”

§ 40.33 [Amended]

Par. 29. Amend § 40.33 as follows:

- a. In paragraph (b)(3), remove the reference to “§ 270.34” and add, in its place, a reference to “§ 40.34”; and
- b. In paragraph (c)(2), remove the reference to “§ 270.185” and add, in its place, a reference to “§ 40.185.”

§ 40.35 [Amended]

Par. 30. Amend paragraph (a) of § 40.35 by removing the reference to “§ 270.33(c)(2)” and adding, in its place, a reference to “§ 40.33(c)(2).”

§ 40.49 [Amended]

Par. 31. Amend § 40.49 as follows:

- a. Remove the reference to “part 270” and add, in its place, a reference to “part 40”; and
- b. Remove the reference to “ATF Order 1130.15, Delegation Order—

Delegation of Certain of the Director’s Authorities in 27 CFR Parts 46, 270, and 275” and add, in its place, a reference to “ATF Order 1130.30, Delegation Order—Delegation of the Director’s Authorities in 27 CFR Part 40—Manufacture of Tobacco Products and Cigarette Papers and Tubes.”

§ 40.62 [Amended]

Par. 32. Amend § 40.62 as follows:

- a. Remove the reference to “§ 270.11” and add, in its place, a reference to “§ 40.11”; and
- b. Remove the reference to “§ 270.75” and add, in its place, a reference to “§ 40.75.”

§§ 40.63, 40.64 and 40.65 [Amended]

Par. 33. Remove the reference to “§ 270.62” and add, in its place, a reference to “§ 40.62,” in the following places:

- a. Section 40.63;
- b. Section 40.64; and
- c. Section 40.65.

§ 40.67 [Amended]

Par. 34. Amend § 40.67 by removing the reference to “§ 270.134” and adding, in its place, a reference to “§ 40.134.”

§§ 40.68 and 40.103 [Amended]

Par. 35. Remove the reference to “§ 270.63” and add, in its place, a reference to “§ 40.63,” in the following places:

- a. Section 40.68; and
- b. Section 40.103.

§ 40.71 [Amended]

Par. 36. Amend § 40.71 by removing the reference to “§ 270.70” and adding, in its place, a reference to “§ 40.70.”

§ 40.72 [Amended]

Par. 37. Amend § 40.72 by removing the reference to “§ 270.47,” each place it appears, and adding, in its place, a reference to “§ 40.47.”

§§ 40.92 and 40.212 [Amended]

Par. 38. Remove the reference to “§ 270.65” and add, in its place, a reference to “§ 40.65,” in the following places:

- a. Section 40.92; and
- b. Section 40.212.

§ 40.101 [Amended]

Par. 39. Amend § 40.101 as follows:

- a. Remove the reference to “§ 270.201” and add, in its place, a reference to “§ 40.201”; and
- b. Remove the reference to “§ 270.69” and add, in its place, a reference to “§ 40.69”; and
- c. Remove the reference to “§ 270.137” and add, in its place, a reference to “§ 40.137.”

§ 40.102 [Amended]

Par. 40. Amend § 40.102 as follows:

- a. Remove the reference to “§ 270.69” and add, in its place, a reference to “§ 40.69”; and
- b. Remove the reference to “§§ 270.201 and 270.202” each place it appears and add, in its place, a reference to “§§ 40.201 and 40.202.”

§ 40.104 [Amended]

Par. 41. Amend § 40.104 by removing the reference to “§§ 270.201 and 270.202” and adding, in its place, a reference to “§§ 40.201 and 40.202.”

§ 40.111 [Amended]

Par. 42. Amend § 40.111 by removing the reference to “§ 270.137” and adding, in its place, a reference to “§ 40.137.”

§ 40.113 [Amended]

Par. 43. Amend § 40.113 by removing the reference to “§§ 270.201 and 207.202” and adding, in its place, a reference to “§§ 40.201 and 40.202.”

§ 40.114 [Amended]

Par. 44. Amend § 40.114 by removing the reference to “§ 270.69” and adding, in its place, a reference to “§ 40.69.”

§ 40.134 [Amended]

Par. 45. Amend § 40.134 as follows:

- a. Remove the reference to “§ 270.67” and add, in its place, a reference to “§ 40.67”; and
- b. Remove the reference to “§ 270.133” and add, in its place, a reference to “§ 40.133.”

§ 40.135 [Amended]

Par. 46. Amend § 40.135 as follows:

- a. Remove the reference to “§ 270.133 or § 270.134” and add, in its place, a reference to “§ 40.133 or § 40.134”; and
- b. Remove the reference to “§ 270.136” and add, in its place, a reference to “§ 40.136.”

§ 40.136 [Amended]

Par. 47. Amend § 40.136 in paragraph (d) by removing the reference to “§ 270.133 or § 270.134” and adding, in its place, a reference to “§ 40.133 or § 40.134.”

§ 40.140 [Amended]

Par. 48. Amend § 40.140 by removing the reference to “§ 270.132” and adding, in its place, a reference to “§ 40.132.”

§ 40.162 [Amended]

Par. 49. Amend § 40.162 by removing the reference to “§ 270.165” and adding, in its place, a reference to “§ 40.165.”

§ 40.163 [Amended]

Par. 50. Amend § 40.163 by removing the reference to “section 270.164” and adding, in its place, a reference to “§ 40.164.”

§ 40.164 [Amended]

Par. 51. Amend § 40.164 as follows:

- a. In paragraph (a)(2), remove the reference to “§ 270.165a” and add, in its place, a reference to “§ 40.165a”;
- b. In paragraph (d)(2), remove the reference to “§ 270.165(a)” and add, in its place, a reference to “§ 40.165(a)”;
- c. In paragraph (d)(2), remove the reference to “§ 270.164(a)(1),” each place it appears, and add, in its place, a reference to “§ 40.164(a)(1)”;
- d. In paragraph (d)(2), remove the reference to “§ 270.164(b),” each place it appears, and add, in its place, a reference to “§ 40.164(b).”

§ 40.165 [Amended]

Par. 52. Amend paragraph (a) of § 40.165 as follows:

- a. Remove the reference to “§ 270.164” and add, in its place, a reference to “§ 40.164”; and
- b. Remove the reference to “§ 270.164(c)” and add, in its place, a reference to “§ 40.164(c).”

§ 40.165a [Amended]

Par. 53. Amend § 40.165a as follows:

- a. In paragraphs (a)(1) and (b)(3), remove the reference to “§ 270.168” and add, in its place, a reference to “§ 40.168”; and
- b. In paragraph (b)(2), remove the reference to “§ 270.165 or § 270.167” and add, in its place, a reference to “§ 40.165 or § 40.167.”

§ 40.166 [Amended]

Par. 54. Amend § 40.166 as follows:

- a. Remove the reference to “§ 270.167” and add, in its place, a reference to “§ 40.167”; and
- b. Remove the reference to “§ 270.165a” and add, in its place, a reference to “§ 40.165a.”

§ 40.167 [Amended]

Par. 55. Amend § 40.167 as follows:

- a. In paragraph (a), remove the reference to “§ 270.162” and add, in its place, a reference to “§ 40.162”; and
- b. In paragraph (b), remove the reference to “§ 270.165a” and add, in its place, a reference to “§ 40.165a.”

§ 40.168 [Amended]

Par. 56. Amend § 40.168 as follows:

- a. Remove the reference to “§ 270.165a” and add, in its place, a reference to “§ 40.165a”; and
- b. Remove the reference to “§ 270.166” and add, in its place, a reference to “§ 40.166.”

§ 40.181 [Amended]

Par. 57. Amend § 40.181 as follows:

- a. Remove the reference to “§§ 270.182 and 270.183” and add, in its place, a reference to “§§ 40.182 and 40.183”; and
- b. Remove the reference to “§§ 270.184 and 270.186,” each place it appears, and add, in its place, a reference to “§§ 40.184 and 40.186.”

§ 40.216c [Amended]

Par. 58. Amend § 40.216c as follows:

- a. In paragraph (b), remove the reference to “§§ 270.212 and 270.216b(b)” and add, in its place, a reference to “§§ 40.212 and 40.216b(b)”;
- b. In paragraph (c), remove the reference to “§ 270.216b(a)” and add, in its place, a reference to “§ 40.216b(a).”

§ 40.251 [Amended]

Par. 59. Amend § 40.251 as follows:

- a. Remove the reference to “§ 270.114” and add, in its place, a reference to “§ 40.114”; and
- b. Remove the reference to “§§ 270.183 and 270.202” and add, in its place, a reference to “§§ 40.183 and 40.202.”

§§ 40.252 and 40.253 [Amended]

Par. 60. Remove the reference to “§§ 270.311 and 270.313” and add, in its place, a reference to “§§ 40.311 and 40.313,” in the following places:

- a. Section 40.252; and
- b. Section 40.253.

§ 40.254 [Amended]

Par. 61. Amend § 40.254 as follows:

- a. Remove the reference to “§ 270.217” and add, in its place, a reference to “§ 40.217”; and
- b. Remove the reference to “§§ 270.311 and 270.313” and add, in its place, a reference to “§§ 40.311 and 40.313.”

§ 40.255 [Amended]

Par. 62. Amend § 40.255 as follows:

- a. Remove the reference to “§ 270.183” and add, in its place, a reference to “§ 40.183”;
- b. Remove the reference to “§ 270.286,” each place it appears, and add, in its place, a reference to “§ 40.286”; and
- c. Remove the reference to “§ 270.287,” each place it appears, and add, in its place, a reference to “§ 40.287.”

§ 40.282 [Amended]

Par. 63. Amend § 40.282 as follows:

- a. Remove the reference to “§ 270.301” and add, in its place, a reference to “§ 40.301”; and

- b. Remove the reference to “§ 270.311” and add, in its place, a reference to “§ 40.311.”

§ 40.283 [Amended]

Par. 64. Amend § 40.283 as follows:

- a. Remove the reference to “§ 270.301” and add, in its place, a reference to “§ 40.301”; and
- b. Remove the reference to “§§ 270.311 and 270.313” and add, in its place, a reference to “§§ 40.311 and 40.313.”

§ 40.286 [Amended]

Par. 65. Amend § 40.286 by removing the reference to “§ 270.164” and adding, in its place, a reference to “§ 40.164.”

§ 40.287 [Amended]

Par. 66. Amend § 40.287 by removing the reference to “§ 270.255” and adding, in its place, a reference to “§ 40.255.”

§ 40.301 [Amended]

Par. 67. Amend § 40.301 by removing the reference to “§ 270.282 or § 270.283” and adding, in its place, a reference to “§ 40.282 or § 40.283.”

§ 40.311 [Amended]

Par. 68. Amend § 40.311 as follows:

- a. In paragraph (a), remove the reference to “§ 270.282 or § 270.283” and add, in its place, a reference to “§ 40.282 or § 40.283”; and
- b. In paragraph (b), remove the reference to “§ 270.185” and add, in its place, a reference to “§ 40.185.”

§ 40.313 [Amended]

Par. 69. Amend § 40.313 as follows:

- a. Remove the reference to “§ 270.282” and add, in its place, a reference to “§ 40.282”; and
- b. Remove the reference to “§ 270.283,” each place it appears, and add, in its place, a reference to “§ 40.283.”

§ 40.331 [Amended]

Par. 70. Amend § 40.331 by removing the reference to “§ 270.201 and § 270.202” and add, in its place, a reference to “§§ 40.201 and 40.202.”

§ 40.355 [Amended]

Par. 71. Amend paragraphs (e) and (g)(2) of § 40.355 by removing the reference to “§ 270.357” and adding, in its place, a reference to “§ 40.357.”

§ 40.357 [Amended]

Par. 72. Amend paragraphs (a)(1), (b)(2), and (b)(3) of § 40.357 by removing the reference to “§ 270.355” and adding, in its place, a reference to “§ 40.355.”

§ 40.371 [Amended]

Par. 73. Amend paragraph (a) of § 40.371 by removing the reference to “§ 270.372” and adding, in its place, a reference to “§ 40.372.”

§ 40.372 [Amended]

Par. 74. Amend paragraph (b) of § 40.372 by removing the reference to “§ 270.371” and adding, in its place, a reference to “§ 40.371.”

§ 40.373 [Amended]

Par. 75. Amend § 40.373 as follows:

- a. In paragraph (b)(3), remove the reference to “§§ 270.359–361” and add, in its place, a reference to “§§ 40.359–361”; and
- b. In paragraph (c)(2), remove the reference to “§ 270.371” and add, in its place, a reference to “§ 40.371.”

§ 40.374 [Amended]

Par. 76. Amend paragraph (a) of § 40.374 by removing the reference to “§ 270.373(c)(2)” and adding, in its place, a reference to “§ 40.373(c)(2).”

§ 40.396 [Amended]

Par. 77. Amend § 40.396 as follows:

- a. Remove the reference to “§ 270.407” and add, in its place, a reference to “§ 40.407”;
- b. Remove the reference to “§§ 270.434 and 270.426” and add, in its place, a reference to “§§ 40.434 and 40.426”; and
- c. Remove the reference to “§§ 270.432 and 270.423” and add, in its place, a reference to “§§ 40.432 and 40.423.”

§ 40.397 [Amended]

Par. 78. Amend § 40.397 as follows:

- a. Remove the reference to “§ 270.407” and add, in its place, a reference to “§ 40.407”; and
- b. Remove the reference to “§§ 270.434 and 270.426” and add, in its place, a reference to “§§ 40.434 and 40.426.”

§ 40.402 [Amended]

Par. 79. Amend § 40.402 by removing the reference to “§ 270.401(c)” and adding, in its place, a reference to “§ 40.401(c).”

§ 40.404 [Amended]

Par. 80. Amend § 40.404 by removing the reference to “§ 270.452” and adding, in its place, a reference to “§ 40.452.”

§ 40.405 [Amended]

Par. 81. Amend § 40.405 by removing the reference to “§ 270.404” and adding, in its place, a reference to “§ 40.404.”

§ 40.410 [Amended]

Par. 82. Amend § 40.410 by removing the reference to “§ 270.403” and adding, in its place, a reference to “§ 40.403.”

§ 40.421 [Amended]

Par. 83. Amend paragraph (a)(4) of § 40.421 by removing the reference to “§ 270.451” and adding, in its place, a reference to “§ 40.451.”

§ 40.461 [Amended]

Par. 84. Amend § 40.461 by removing the reference to “§§ 270.434 and 270.426” and adding, in its place, a reference to “§§ 40.434 and 40.426.”

§ 40.472 [Amended]

Par. 85. Amend § 40.472 as follows:

- a. Remove the reference to “§ 270.475” and add, in its place, a reference to “§ 40.475”; and
- b. Remove the reference to “§ 270.476” and add, in its place, a reference to “§ 40.476.”

§ 40.473 [Amended]

Par. 86. Amend § 40.473 as follows:

- a. Remove the reference to “§ 270.475” and add, in its place, a reference to “§ 40.475”; and
- b. Remove the reference to “§§ 270.476, and 270.477” and add, in its place, a reference to “§§ 40.476 and 40.477.”

§§ 40.475 and 40.476 [Amended]

Par. 87. Remove the reference to “§ 270.472 or § 270.473” and add, in its place, a reference to “§ 40.472 or § 40.473,” in the following places:

- a. Section 40.475; and
- b. Section 40.476.

§ 40.478 [Amended]

Par. 88. Amend § 40.478 by removing the reference to “§ 270.473,” each place it appears, and adding, in its place, a reference to “§ 40.473.”

Signed: April 19, 2001.

Bradley A. Buckles,
Director.

Approved: May 2, 2001.

Timothy Skud,
Acting Deputy Assistant Secretary,
(Regulatory, Tariff and Trade Enforcement).
[FR Doc. 01–18394 Filed 7–26–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165**

[CGD05–01–006]

RIN 2115–AE84

Regulated Navigation Area; Cape Fear River and Northeast Cape Fear River, Wilmington, NC

AGENCY: Coast Guard, DOT.

ACTION: Interim rule; request for comments.

SUMMARY: The Coast Guard is establishing a Regulated Navigation Area (RNA) for the Cape Fear River and Northeast Cape Fear River. This action is necessary because of the extensive channel-deepening project involving dredging, drilling, and blasting being undertaken by the U. S. Army Corps of Engineers. The RNA is needed to ensure the safety of vessels transiting the Cape Fear River and Northeast Cape Fear River during dredging, drilling, and blasting operations associated with the deepening project.

DATES: This interim rule becomes effective on August 1, 2001. Comments must be received on or before October 25, 2001.

ADDRESSES: You may mail comments and related material to the Waterways Management Branch (CGD05–01–006), Coast Guard Marine Safety Office Wilmington, 1502 23rd Street, Wilmington, NC 28405. Or deliver comments to the Marine Safety Office at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The Waterways Management Branch of Coast Guard Marine Safety Office Wilmington maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD05–01–006) and are available for inspection or copying at the Coast Guard Marine Safety Office Wilmington, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ensign David Dixon, Asst. Chief, Port Operations Department, Coast Guard Marine Safety Office Wilmington at (910) 772–2208, or the Waterways Management Branch at (910) 772–2180.

SUPPLEMENTARY INFORMATION:**Request for Comments**

The Coast Guard has added a provision to the interim rule that was

not contained in the Notice of Proposed Rulemaking. For waterway traffic management purposes, the Coast Guard is requesting that the master, owner, or operator of a vessel meeting the requirements for notice of arrival under 33 CFR 160.207 provide notice to the COTP at least 48 hours before entering the RNA.

The Coast Guard is evaluating whether it is necessary to make this provision mandatory. We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05-01-006), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Regulatory Information

On May 31, 2001, we published a NPRM entitled Regulated Navigation Area; Cape Fear River and Northeast Cape Fear River, Wilmington, North Carolina in the **Federal Register** (66 FR 29524). We received one letter commenting on the proposed rule. No public hearing was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Work on the channel deepening project is scheduled to begin on August 1, 2001. There are many significant safety concerns associated with the drilling, blasting, and dredging operations being undertaken as part of the channel-deepening project. The maritime industry and other users of the Cape Fear River and Northeast Cape Fear River were consulted by the U.S. Coast Guard and the U.S. Army Corps of Engineers at various fora before developing the proposed rule. The

parameters of the RNA are a direct result of the comments and input received from the maritime industry, other users of the waterway, and the U.S. Army Corps of Engineers. Therefore, the Coast Guard finds that it is in the public interest to have the regulation in place on August 1, 2001 when operations resume. In addition, the Coast Guard will provide advance notification of the RNA via Broadcast Notice to Mariners or Local Notice to Mariners.

Background and Purpose

The Cape Fear River and Northeast Cape Fear River are the areas to be designated as a RNA. The RNA is to enhance vessel safety during the extensive channel-deepening project being undertaken by the U. S. Army Corps of Engineers, which involves dredging, drilling and blasting in these areas. Current channel depths restrict the full economy of existing and future generations of deep draft vessels. This project, which is expected to last approximately six years (completion is expected by 2006), will deepen the existing channel of 25 feet at the upstream limits of the deepening project and 40 feet at the entrance channel to 34 feet and 44 feet, respectively, to accommodate the deeper draft vessels.

Dredging work within the RNA will be conducted in five distinct areas: Ocean Bar II, Horseshoe Shoal, Passing Lane & Anchorage Basin, Big Island, and the Northeast Cape Fear River. Drilling or blasting is expected to occur within the Passing Lane & Anchorage Basin, Big Island, and the Northeast Cape Fear River work areas. Drilling and blasting is not expected to occur at the Ocean Bar II and Horseshoe Shoal work areas although dredging will still take place. During the project, the RNA will impose channel restrictions and other safety measures to facilitate the dredging operations and enhance navigation safety. The area has been and will continue to be available for use by the general public.

Discussion of Comments

On May 31, 2001, we published a notice of NPRM entitled Regulated Navigation Area; Cape Fear River and Northeast Cape Fear River, Wilmington, North Carolina in the **Federal Register** (66 FR 29524). We received one comment. The comment focused on the necessity of communications between waterway users and the vessels conducting drilling, blasting, and dredging operations in order to keep disturbances to operations and vessel traffic to a minimum. The Coast Guard agrees. The rule requires and encourages

communications between vessels transiting the RNA and the vessels conducting drilling, blasting, and dredging operations.

Discussion of Interim Rule

The interim rule adds a provision. For waterway traffic management purposes, the Coast Guard is requesting that the master, owner, or operator of a vessel that meets the requirements for notice of arrival under 33 CFR 160.207 provide notice to the COTP at least 48 hours before entering the RNA. The requested notice is the same notice required by 33 CFR 160.207 and will meet the reporting requirement contained in 33 CFR 160.207.

This provision is necessary because of the dynamic nature of dredging, drilling, and blasting operations in the Cape Fear River. Drilling and blasting operations in particular require detailed planning to minimize traffic interruptions. For example, once a drill barge commences operations, explosive charges are inserted into the river bottom. These charges are connected to the drill barge by several wires. Although vessel traffic may continue to pass the blast site in this situation, the drill barge is not able to move off station. In some cases, the blast site may be well into the navigable channel, potentially delaying deep draft vessel traffic. For this reason, every effort will be made to schedule a blast between transits of deep draft vessels to minimize delays. The increased notice of arrival will allow the Marine Safety Office, Wilmington, the U.S. Army Corps of Engineers, and the blasting contractor, to coordinate blast times and surveys, taking into account tidal concerns, and safety restrictions.

In addition, the Coast Guard added language to the effective period terminating the rule in 2006, added a start reference point for measuring miles and defined miles in terms of nautical miles.

Regulatory Evaluation

This interim rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

(1) This rule only affects a limited area of water for limited periods of time. Vessels will only be restricted from transiting the work areas during blasting

operations. The estimated delays resulting from blasting are expected to last no longer than sixty (60) minutes and occur no more than two (2) times daily in any one area.

(2) Requiring vessels over 300 gross tons and tugs with tows to contact the COTP 12 hours before vessel movement within the RNA will permit the COTP to review additional traffic management considerations for vessels which are tidal dependent or draft restrictive.

(3) Requesting 48-hour notice of arrival, will enable the Coast Guard to consider additional traffic management considerations for vessels which are tidal dependant or draft restrictive.

(4) If deemed necessary, the Captain of the Port, Wilmington may, upon written request, authorize a deviation from any regulation in this section if it is found that the proposed operations can be done safely. A written application for deviation must be received not less than 48-hours before intended operation and must state the need and describe the proposal.

(5) Advance notifications will be made to the local maritime community by Broadcast Notices to Mariners, Local Notices to Mariners, facsimile, and at Cape Fear Waterways Management Council meetings.

(6) Based upon discussions with and comments received from the maritime industry, other users of the waterway, and the U.S. Army Corps of Engineers, the regulations have been narrowly tailored in scope to impose the least impact on maritime interests yet provide the level of safety deemed necessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this interim rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This interim rule would affect the following entities, some of which might be small entities: Shipping companies, towing companies, dredging companies, commercial fishing vessels and recreational vessels. This interim rule was preceded by a NPRM. One comment was received by a small entity regarding this rule. The comment focused on the necessity of communications between waterway users and the vessels conducting drilling, blasting, and dredging

operations in order to keep disturbances to operations and vessel traffic to a minimum. The Coast Guard agrees. The rule requires and encourages communications between vessels transiting the RNA and the vessels conducting drilling, blasting, and dredging operations.

For the reasons stated in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605 (b) that this interim rule will not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), in the NPRM we offered to assist small entities in understanding the proposed rule so that they could better evaluate its effects on them and participate in the rulemaking process.

If this rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact ENS David Dixon, Asst. Chief, Port Operations, Coast Guard Marine Safety Office Wilmington at (910) 772–2208 or the Waterways Management Branch at (910) 772–2180.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and

would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.IC, this rule is categorically excluded from further environmental documentation. This interim rule fits paragraph 34(g) as it establishes a Regulated Navigation Area. A “Categorical Exclusion Determination” is available in the docket for inspection or copying where indicated under **ADDRESSES**.

Indian Tribal Governments

This interim rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian

tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add § 165.540 immediately after § 165.530 to read as follows:

§ 165.540 Regulated Navigation Area; Cape Fear River, Northeast Cape Fear River, Wilmington, North Carolina.

(a) *Description of the Regulated Navigation Area (RNA).* The RNA encompasses all waters of the Cape Fear River and Northeast Cape Fear River from the intersection of Bald Head Shoal Channel and Smith Island Channel (centerline coordinates Latitude 33°52'24.028" N, Longitude 78°00'29.624" W (NAD 83)) to mile 26.7 on the Northeast Cape Fear River.

(b) *Work areas.* Dredging work within the RNA will be conducted in five distinct areas: Ocean Bar II, Horseshoe Shoal, Passing Lane & Anchorage Basin, Big Island, and the Northeast Cape Fear River. Drilling or blasting is expected to occur within the Passing Lane & Anchorage Basin, Big Island, and the Northeast Cape Fear River work areas. The blast sites within the RNA, will be identified and made available to the

public through: Broadcast Notices to Mariners or Local Notices to Mariners (Local Notices to Mariners are available on-line at www.navcen.uscg.gov/lnm/d5/); direct contact with the control vessel on channel 16 VHF–FM; direct contact with the contractor; or through the Captain of the Port on VHF marine Band Radio, channels 13 and 16; or at telephone number (910) 772–2200. In addition, dredge and blasting companies will have a control vessel present at the site of each blast.

(c) *Enforcement period.* This section will be enforced during the months of August, September, October, November, December, and January, each year. This rule will expire on January 31, 2006.

(d) *Definitions.*

Active work area means a work area in which blasting, drilling, or dredging operations are currently taking place.

Blast site means the area where explosive material is handled during loading, including the perimeter formed by the loaded blast holes and fifty (50) feet (15.2 meters) in all directions from loaded holes.

Blasting operations means the detonation of explosives on the river bottom.

Captain of the Port means the Coast Guard officer designated by the Commandant to command the Captain of the Port Zone as described in 33 CFR 3.25–20.

Control vessel means the vessel at an active work area which coordinates operations within the active work area.

Hangfire means a blast that fails to detonate at initiation, but detonates at a later time.

Mile means measured as nautical miles.

Misfire means a blast that fails to detonate completely after an attempt at initiation, also the explosive material that failed to detonate as planned.

RNA means Regulated Navigation Area.

Work area means those places within the RNA where dredging, drilling, and blasting shall be conducted.

(e) *Description of work areas in the RNA.* (1) *Ocean Bar II, mouth of Cape Fear.* The work area includes: Part of Bald Head Shoal Channel, Smith Island Channel, Baldhead Caswell Channel, Southport Channel, Battery Island Channel, Lower Swash Channel, and the majority of Snows Marsh Channel. The downstream end of the work area (centerline coordinates: Latitude 33° 50'43.668"N, Longitude 78° 01'40.068"W (NAD 1983)) is located southeast of Cape Fear River Channel Lighted Buoy 8 (LL 30350), approximately 2,560 feet east of the centerline of the existing Bald Head

Shoal Channel. Upstream end of the work area is located 1,200 feet downstream of the intersection of Snows Marsh Channel and Horseshoe Shoal Channel at turn six (mile 6.5, approximately 1,150 feet downstream of Cape Fear River Channel Lighted Buoy 25 (LL 30530/39965)).

(2) *Horseshoe Shoal.* The work area includes: Horseshoe Shoal Channel and part of Snows Marsh Channel. Downstream end of the work area is located 1,200 feet downstream of the intersection of Snows Marsh Channel and Horseshoe Shoal Channel (mile 6.5, approximately 1,150 feet downstream of Cape Fear River Channel Lighted Buoy 25 (LL 30530/39965)). Upstream end of the work area is located at the intersection of Horseshoe Shoal Channel and Reaves Point Channel (mile 7.7, at about Cape Fear River Channel Lighted Buoy 27 (LL 30550/39945)).

(3) *Big Island.* The work area includes: Part of Keg Island Channel, Lower Big Island Channel, Upper Big Island Channel, and part of Lower Brunswick Channel. Downstream end of the work area is approximately 2,230 feet upstream of the intersection of Upper Lilliput Channel and Keg Island Channel (mile 16.2, approximately 1,320 feet downstream of Cape Fear River Channel Lighted Buoy 46 (LL 30765) and approximately 2,300 feet upstream of Cape Fear River Channel Lighted Buoy 44 (LL 30750)). Upstream end of the work area is approximately 2,680 feet upstream of intersection of Upper Big Island Channel and Lower Brunswick Channel (mile 18.7, approximately 1,620 feet upstream of Cape Fear River Channel Lighted Buoy 56 (LL 30830) and approximately 590 feet downstream of the Carolina Power & Light Company (CP&L) overhead power line crossing).

(4) *Passing Lane and Anchorage Basin.* There are two separate work areas for this contract, separated by the Big Island Contract.

(i) *Passing Lane work area* is located immediately downstream of the Big Island contract work area. The work area includes: Reaves Point Channel, Lower Midnight Channel, Upper Midnight Channel, Lilliput Channel, and part of Keg Island Channel. Downstream end of Passing Lane work area is the intersection of Horseshoe Shoal Channel and Reaves Point Channel (mile 7.7, at about Cape Fear River Channel Lighted Buoy 27 (LL 30550/39945)). Upstream end of the Passing Lane work area is approximately 2,230 feet upstream of intersection of Upper Lilliput Channel and Keg Island Channel (mile 16.2, approximately 1,320 feet downstream of

Cape Fear River Channel Lighted Buoy 46 (LL 30765) and approximately 2,300 feet upstream of Cape Fear River Channel Lighted Buoy 44 (LL 30750)).

(ii) Anchorage Basin work area is located immediately upstream of the Big Island contract work area. The work area includes: Part of Lower Brunswick Channel, Fourth East Jetty Channel, Between Channel, and Anchorage Basin Channel. Downstream end of Anchorage Basin work area is approximately 2,680 feet upstream of intersection of Upper Big Island Channel and Lower Brunswick Channel (mile 18.7, approximately 1,620 feet upstream of Cape Fear River Channel Lighted Buoy 56 (LL 30830) and approximately 590 feet downstream of the CP&L overhead power line crossing). Upstream end of Anchorage Basin work area is the Cape Fear Memorial Bridge (mile 23.6).

(5) *Northeast Cape Fear River.* The downstream end of the work area is the Cape Fear Memorial Bridge (mile 23.6). Upstream end of the work area (approximately mile 26.7) is on the Northeast Cape Fear River and is approximately 700 feet upstream of the turning basin located opposite Koch Sulfur Products Co. and approximately 90 feet downstream of the submerged gas pipeline crossing.

(f) *Regulations.* (1) Blasting, drilling, and dredging operations raise many safety issues for vessels transiting the RNA. All mariners are reminded to exercise caution while transiting or operating in the RNA.

(2) Active work areas, control vessels, and blast sites will be identified via Broadcast Notices to Mariners or Local Notices to Mariners. The Local Notice to Mariners is available on-line at www.navcen.uscg.gov/lnm/d5/. Control vessels shall monitor channel 16 VHF-FM.

(3) The following requirements apply to all vessels.

(i) All vessels shall inform themselves of the active work areas prior to entering the RNA.

(ii) All vessels shall contact and receive permission from the control vessel for that work area before entering the active work area.

(iii) All vessels transiting an active work area shall do so at no wake speed or the minimum speed necessary to maintain steerage.

(iv) During blasting operations all vessels are prohibited from entering an area of 500 yards surrounding the blast site. Upon notification of a misfire or hangfire, all vessels underway in the RNA shall proceed to clear the active work area in which the misfire or hangfire occurred.

(4) Vessels over 300 gross tons and tugs with tows are required to contact the COTP 12 hours before vessel movement within the RNA.

(5) Vessels meeting the notice of arrival requirements under 33 CFR 160.207 are encouraged to notify the COTP at least 48-hours before the vessel enters the RNA to facilitate scheduling and minimize delays. Updates are encouraged at least 12 hours before arriving at the RNA boundaries. The COTP may delay entry into the RNA to accommodate other commercial traffic.

(6) Vessels of 300 gross tons or greater shall be prohibited from entering the RNA when they are advised that a misfire or hangfire has occurred.

(7) For any vessel with another vessel/ barge in tow transiting an active work area, the hawser or wire length of the tow shall not exceed 275 feet, measured from the towing bit on the tug to the point where the hawser or wire connects with the towed vessel or barge.

(8) Vessels of 300 gross tons or greater and tugs with tows, shall, prior to entering the RNA, ensure that they have sufficient propulsion and directional control to safely navigate the RNA under the prevailing conditions.

(9) Vessels of 300 gross tons or greater and tugs with tows are prohibited from meeting or overtaking vessels of 300 gross tons or greater or tugs with tows in active work areas or within one nautical mile of an active work area.

(10) The Captain of the Port, Wilmington may, upon written request, authorize a deviation from any regulation in this section if it is found that the proposed operations can be done safely. An application for deviation must be received not less than 48 hours before intended operation and must state the need and describe the proposal.

Dated: July 16, 2001.

T.W. Allen,

Vice Admiral, USCG, Commander, Fifth Coast Guard District.

[FR Doc. 01-18681 Filed 7-26-01; 8:45 am]

BILLING CODE 4910-15-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NH018-01-7156a; A-1-FRL-6999-6]

Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; New Source Review Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the State of New Hampshire. The revisions establish and require the implementation of the Clean Air Act Amendments (CAAA) of 1990 regarding New Source Review (NSR) in areas that have not attained the National Ambient Air Quality Standards (NAAQS) and areas within the ozone transport region (OTR). In addition, the revisions replace the existing definition of stationary source in New Hampshire's SIP with the plantwide stationary source definition. The intended effect of this action is to approve PART Env-A 610, "Additional Requirements in Nonattainment Areas and the New Hampshire Portion of the Northeast Ozone Transport Region." This action is being taken in accordance with the Clean Air Act (CAA).

DATES: This direct final rule is effective on September 25, 2001 without further notice, unless EPA receives adverse comment by August 27, 2001. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Steven Rapp, Unit Manager, Air Permits Program, Office of Ecosystem Protection (mail code CAP), U.S. Environmental Protection Agency, EPA New England, One Congress Street, Suite 1100, Boston, MA 02114-2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA, and New Hampshire Department of Environmental Services, 6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095.

FOR FURTHER INFORMATION CONTACT: Brendan McCahill, (617) 918-1652.

SUPPLEMENTARY INFORMATION:

I. Background

On July 29, 1993, New Hampshire Air Resources Division (ARD) formally submitted a revision to its State Implementation Plan (SIP) for purposes of meeting the requirements of the CAA. The revision consists of changes to New Hampshire's PART Env-A 610, "Additional Requirements in Nonattainment Areas and the New Hampshire Portion of the Northeast Ozone Transport Region." The revision did not include provisions to implement two requirements of the CAA, the

adequate SIP implementation requirement under section 173(a)(4) and the alternative siting analysis requirement under section 173(a)(5). On July 2, 1999, the ARD submitted additional changes to PART Env-A 610 (renumbered as Env-A 622) that met the requirements of sections 173(a)(4) and 173(a)(5) of the CAA. With the inclusion of the two missing provisions, the ARD's rules regarding the permitting of new major sources in nonattainment areas and the OTR are consistent with all CAA NSR requirements. In addition, the ARD's July 2, 1999 SIP revision removed the dual source definition of stationary source and adopted a plant-wide stationary source definition consistent with federal requirements.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

A. General Requirements for Nonattainment NSR

Background

The air quality planning requirements for nonattainment NSR are set out in part D of subpart I of Title I of the Act. The EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under part D, including those State submittals containing nonattainment area NSR SIP requirements. See 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble and the January 25, 2001 Technical Support Document entitled, "New Hampshire New Source Review Revisions," located at the addresses listed above for a more detailed discussion of the interpretations of part D advanced in today's proposal and the supporting rationale.

Summary of New Hampshire's Regulation

The general nonattainment NSR requirements are found in sections 172 and 173 of part D and must be met by all nonattainment areas. The following paragraphs reference the nonattainment NSR requirements required to be submitted to EPA by November 15, 1992 and explain how New Hampshire's rules meet those requirements. New Hampshire's existing SIP already contained some of these provisions, while others are being approved today.

1. New Hampshire regulation Env-A 610.05(d) establishes provisions in accordance with section 173(a)(1)(A) of the CAA to assure that calculations of emissions offsets are based on the same emissions baseline used in the demonstration of Reasonable Further Progress (RFP).

2. New Hampshire regulation Env-A 610.05(c) establishes provisions in accordance with section 173(c)(1) of the CAA to allow offsets to be obtained in another nonattainment area if: (i) The area has an equal or higher nonattainment classification and, (ii) emissions from the other nonattainment area contribute to an NAAQS violation in the area in which the source would construct.

3. New Hampshire regulation Env-A 610.05(c)(5)c. establishes provisions in accordance with section 173(c)(1) of the CAA that any emissions offsets obtained in conjunction with the issuance of a license to a new or modified source must be in effect and enforceable by the time the new or modified source commences operation.

4. New Hampshire regulation Env-A 610.05(a) establishes provisions in accordance with section 173(c)(1) of the CAA to assure that emission increases from new or modified sources are offset by real reductions in actual emissions.

5. New Hampshire regulations Env-A 610.05(b)(2) and (3) establish provisions in accordance with section 173(c)(2) of the CAA to prevent emissions reductions otherwise required by the Act from being credited for purposes of satisfying part D offset requirements.

6. The 1990 CAAA modified the Act's provisions on growth allowances in nonattainment areas by (1) eliminating existing growth allowances in the nonattainment area that received a notice prior or subsequent to the Amendments that the SIP was substantially inadequate, and (2) restricting growth allowances to only those portions of nonattainment areas formally targeted as special zones for economic growth. Sections 173(b) and 173(a)(1)(B) of the CAA. New Hampshire's regulations do not contain provisions for growth allowances and are consequently consistent with the Act.

7. New Hampshire has a practice of supplying information to EPA's RACT/BACT/LAER clearinghouse in accordance with section 173(d) of the CAA.

8. New Hampshire regulation Env-A 610.04(b) establishes provisions, in accordance with section 173(a)(3) of the CAA, to assure that owners or operators of each proposed new or modified major stationary source demonstrate, as a

condition of license issuance, that all other major stationary sources under the same ownership in the State are in compliance with the CAA.

9. New Hampshire regulation Env-A 622.04 establishes provisions in accordance with 173(a)(5) of the CAA that, as a prerequisite to issuing any part D license, require an analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed source that demonstrates that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

10. New Hampshire regulation Env-A 622.06 establishes provisions in accordance with section 173(a)(4) of the CAA that require as a prerequisite to issuing a part D permit, the Administrator has not determined that the applicable implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified.

B. General Requirements for Ozone Nonattainment NSR and the OTR

Background

The general nonattainment NSR requirements are found in sections 172 and 173 of part D and must be met by all nonattainment areas. The requirements for ozone that supplement or supersede these requirements are found in subpart 2 of part D. In addition to requirements for ozone nonattainment areas, subpart 2 includes section 182(f), which states that requirements for major stationary sources of VOC shall apply to major stationary sources of oxides of nitrogen (NO_x) unless the Administrator makes certain determinations related to the benefits or contribution of NO_x control to air quality, ozone attainment, or ozone air quality. States were required under section 182(a)(2)(C) to adopt new NSR rules for ozone nonattainment areas by November 15, 1992.

Pursuant to sections 172(c)(5) of the CAA, State implementation plans must require permits for the construction and operation of new or modified major stationary sources in nonattainment areas. The federal statutory permit requirements for ozone nonattainment areas are generally contained in revised section 173, and in subpart 2 of Subchapter I, part D of the CAA. These are the minimum requirements that States must include in an approvable implementation plan. For all classifications of ozone nonattainment areas and for ozone transport regions

(OTRs), States must adopt the appropriate major source thresholds and offset ratios, and must adopt provisions to ensure that any new or modified major stationary source of NO_x satisfies the requirements applicable to any major source of VOC, unless a special NO_x exemption is granted by the Administrator under the provision of section 182(f). For serious and severe ozone nonattainment areas, State plans must implement section 182(c)(6) with regard to modifications of major sources.

Summary of New Hampshire's Submittal

The State of New Hampshire currently contains serious, marginal and nonclassified nonattainment areas, as well as areas classified as attainment. In addition, the entire State is contained within the OTR (see section 184 of the CAA). The CAA provisions that apply to the OTR provide equal or more stringent requirements than those provisions applicable to the marginal and moderate nonattainment areas. Under the CAA, the OTR provisions are applicable throughout the State.

The following paragraphs reference the serious ozone nonattainment and OTR NSR requirements that New Hampshire was required to submit to EPA by November 15, 1992 and how New Hampshire has met those requirements. To identify those areas of New Hampshire that are within the more stringent serious ozone nonattainment area, New Hampshire's regulations establish a definition for the Four-County Ozone Classified Nonattainment Region. This region includes the counties of Hillsborough, Merrimack, Rockingham and Strafford and encompasses the geographic area classified as a serious nonattainment area as designated by the EPA within Section 107 of the CAA. All regions outside the four-county ozone classified nonattainment region are subject to the federal NSR requirements for the OTR.

NSR Requirements for the Ozone Transport Region

1. New Hampshire regulation Env-A 610.01(a)(2)b.1. establishes, in accordance with the OTR requirements provided in section 184(b)(2) of the CAA, a major source threshold level of 50 TPY for VOC for the entire state.

2. New Hampshire regulation Env-A 610.01(a)(2)b.2.ii. establishes, in accordance with sections 184(b)(2), 182(f) and 302(j) of the CAA, a major source threshold level of 100 tpy for NO_x for sources located outside the four-county ozone nonattainment region. This major source threshold

level satisfies the OTR NSR requirements.

3. New Hampshire regulation Env-A 610.05(c)(1)b. of New Hampshire's regulation establishes, in accordance with sections 184(b)(2), 182(b)(5) and 182(f) of the CAA, an offset ratio of 1.15 to 1 for major sources or major modifications to major sources of VOC and NO_x outside the four-county ozone nonattainment area. This offset ratio satisfies the federal OTR NSR Federal requirement.

Serious Ozone Nonattainment Areas

1. New Hampshire regulation Env-A 610.01(a)(2)b.1. establishes, in accordance to the serious nonattainment area requirements provided in section 182(c) of the CAA, a major source threshold level of 50 TPY for VOC for the entire state.

2. New Hampshire regulation Env-A 610(a)(2)b.2.i establishes, in accordance with sections 182(c) and 182(f) of the CAA, a major stationary source threshold of 50 TPY for NO_x in the four-county ozone classified nonattainment region.

3. New Hampshire regulation Env-A 610.05(c)(1)a. establishes, in accordance with sections 182(c)(10) and 182(f) of the CAA, an offset ratio of 1.2 to 1 for major sources or major modifications of VOC or NO_x in the four-county ozone classified nonattainment region.

4. New Hampshire regulations Env-A 610.03(e)(1) and 610.03(f)(1) establish provisions that are consistent with the requirements of section 182(c)(6) of the CAA, the "De Minimis rule."

C. Revisions to Stationary Source Definition

Background

On August 7, 1980 (45 FR 52676), EPA promulgated a rule defining a "stationary source" as "any building, structure, facility, or installation." Known as the "dual source definition," a stationary source is both a building structure or facility and an installation (e.g., an individual piece of equipment). For NSR applicability, permitting authorities consider each emission unit as a separate independent stationary source and as a component of the entire stationary source. Emission increases from a physical or operational changes at an emission unit are reviewed both with and without regard to reductions elsewhere in the plant. Consequently, with respect to NSR applicability, the dual source definition does not offer any benefits to sources that reduce emissions at emission units not undergoing modification. On October 14, 1981 (46 FR 50766), EPA revised its

NSR regulations to allow adoption of a "plantwide" definition. Under this definition, sources determining major NSR applicability of a proposed modification are not required to consider each emission unit as an individual stationary source. Consequently, the plantwide definition provides sources the opportunity to take credit for emissions reductions achieved across the entire facility when determining NSR applicability for modifications occurring at individual emission unit(s).

Summary of New Hampshire's Submittal

New Hampshire is revising its stationary source definition in Env-A 622-01 to make the definition consistent with EPA's plantwide definition of stationary source as adopted in EPA's NSR regulations under 40 CFR 51.165(a)(1).

General Savings Clause. The ARD's adoption of plantwide source definition revises a regulation that was in effect before the enactment of the CAAA of 1990. Pursuant to Section 193 of the Clean Air Act, the "general savings clause," EPA must determine whether this revision to New Hampshire's NSR Program ensures equivalent or greater reductions of nonattainment area pollutants. In conducting this analysis, EPA examines the impact of all revisions to New Hampshire's SIP since 1990. The analysis found that New Hampshire's SIP revisions made since 1990 will ensure equivalent or greater emissions reductions as compared with New Hampshire SIP in effect as of 1990.

To determine the impact of New Hampshire's revision to its source definition, EPA considered the potential increase in emissions from sources modifying their facilities. Typically, the change from the dual source definition to plantwide source definition may allow more sources with modifications to "net out" of major NSR applicability. However, determining how many additional modifications would "net out" due to the revision is difficult. The NSR rules contain numerous complex applicability provisions that all work together in determining if a new source is subject to NSR. However, in reviewing past permit transactions completed under New Hampshire's old dual source definition, EPA did not identify any modifications that triggered major NSR review. The review suggests that the number of modifications potentially effected by the ARD's source definition revision is relatively small and that the impact to the State's overall emissions would also be small.

To offset the relatively small increase in emissions from the revision, EPA considered other revisions approved into New Hampshire since 1990 that strengthen its SIP. On November 14, 2000, EPA approved the ARD's Order 98-001 into the SIP. The order requires Public Service of New Hampshire (PSNH) to meet by 1999 a yearly emissions cap that significantly reduces emissions from their facilities in New Hampshire. A significant portion of these emission reductions, over a thousand tons per year, are surplus reductions not required by any CAA requirement. These surplus reductions more than offset any potential emission increase resulting from DES's revisions to their stationary source definition.

In summation, EPA concludes that the overall effect of New Hampshire's revised SIP will ensure reductions equivalent to those obtained in the existing SIP. EPA understands that the plantwide definition revision will effect a small number of sources and may cause a slight increase in State's emissions. However, EPA believes the ARD's PSNH order strengthens the SIP and provides surplus emission decreases not required by the CAA. These surplus emission reductions more than offset the emission increases from the new source definition revision.

II. Final Action

EPA is approving the revisions to New Hampshire's PART Env-A 610 (renumbered to Env-A 622), "Additional Requirements in Nonattainment Areas and the New Hampshire Portion of the Northeast Ozone Transport Region." The Agency has reviewed this request for revision of the Federally-approved State implementation plan for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. These revisions meet the nonattainment area NSR provisions of Part D of the CAA.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This action will be effective September 25, 2001 without further notice unless the Agency receives relevant adverse comments by August 27, 2001.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will

not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on September 25, 2001 and no further action will be taken on the proposed rule.

III. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for

failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 25, 2001. Interested parties should comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to

enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: May 22, 2001.

Ira Leighton,

Acting Regional Administrator, EPA—New England.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart EE—New Hampshire

2. Section 52.1520 is amended by adding paragraph (c)(66) to read as follows:

§ 52.1520 Identification of plan

* * * * *

(c) * * *

(66) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on July 29, 1993 and July 2, 1999.

(i) Incorporation by reference.

(A) New Hampshire's PART Env-A 610 "Additional Requirements in Non-attainment Areas and the New Hampshire Portion of the Northeast Ozone Transport Region" adopted on May 21, 1993.

(B) New Hampshire's PART Env-A 622 (Formerly Env-A 610) "Additional Requirements in Non-attainment Areas and the New Hampshire Portion of the Northeast Ozone Transport Region"

incorporating the "Plant-wide Source," adopted on June 26, 1997.

(C) New Hampshire's PART Env-A 622 (Formerly Env-A 610) "Additional Requirements in Non-attainment Areas and the New Hampshire Portion of the Northeast Ozone Transport Region," addition of the requirements for section 173(a)(4) and (5) of the CAA, adopted on January 29, 1999.

(D) Letter from the New Hampshire Air Resources Division dated July 29, 1993 submitting a revision to the New Hampshire State Implementation Plan.

(E) Letter from the New Hampshire Air Resources Division dated July 2, 1999 submitting a revision to the New Hampshire State Implementation Plan.

3. In § 52.1525 Table 52.1525 is amended by adding a new entry for "Env-A 600" following the existing entry for "Env-A 600" to read as follows:

§ 52.1525 EPA-approved New Hampshire state regulations.

* * * * *

TABLE 52.1525.—EPA-APPROVED RULES AND REGULATIONS ¹—NEW HAMPSHIRE

Title/subject	State citation chapter ²	Date adopted by State	Date approved by EPA	Federal Register citation	52.1520	Explanation
* Statewide Permit System.	* Env-A 600	* 5/21/93 6/26/97 1/29/99	7/27/01	* FR 39104	* (c)(66)	* Part Env-622 (formerly 610) Adopted NSR CAA requirements Adopted plantwide definition Adopted CAA sections 173(a)(4) & (5).
*	*	*	*	*	*	*

¹ These regulations are applicable statewide unless otherwise noted in the explanation section.

² When the New Hampshire Department of Environmental Services was established in 1987, the citation chapter title for the air regulations changed from CH Air to Env-A.

[FR Doc. 01-16563 Filed 7-26-01; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-D-7511]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood

elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Acting Administrator reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT:

Matthew B. Miller, P.E., Chief, Hazards Study Branch, Hazard Mapping Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (email) Matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National

Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Acting Administrator, Federal Insurance and Mitigation Administration, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under

Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Alabama: Autauga	Unincorporated Areas.	April 7, 2001, April 14, 2001, <i>Prattville Progress</i> .	Mr. Clyde O. Chambliss, Jr., Chairman of the County Commission, 134 North Court Street, Prattville, Alabama 36067.	March 26, 2001	010314 B
Florida: Manatee ..	Unincorporated Areas.	April 12, 2001, April 19, 2001, <i>Bradenton Herald</i> .	Mr. Ernie Padgett, Manatee County Administrator, P.O. Box 1000, Bradenton, Florida 34206.	April 4, 2001	120153 B
Georgia: Catoosa	Unincorporated Areas.	April 11, 2001, <i>Catoosa County News</i> .	Mr. Winfred Long, President of the Catoosa County Board of Commissioners, 7694 Nashville Street, Ringgold, Georgia 30736.	May 12, 2001	130028
Illinois: Macon	City of Decatur ...	March 21, 2001, March 28, 2001, <i>Decatur Tribune</i> .	The Honorable Terry Howley, Mayor of the City of Decatur, 1 Gary K. Anderson Plaza, Decatur, Illinois 62523.	June 27, 2001	170429 C
Kendall	Unincorporated Areas.	April 19, 2001, April 26, 2001, <i>Kendall County Record</i> .	Mr. John A. Church, Chairman of the Kendall County Board, 111 West Fox Street, Yorkville, Illinois 60560.	July 26, 2001	170341 D
Indiana: Noble	Unincorporated Areas.	May 30, 2001, June 6, 2001, <i>The News-Sun</i> .	Mr. Mark Pankap, President of the Noble County Board of Commissioners, Noble County Courthouse, 101 North Orange Street, Albion, Indiana 46701.	September 5, 2001 ...	180183 A&B
Lake	Town of Schererville.	March 20, 2001, March 27, 2001, <i>The Times</i> .	Mr. Richard Krame, Schererville Town Manager, 833 West Lincoln Highway, Schererville, Indiana 46375.	June 26, 2001	180142 B
Kentucky: Jefferson.	Unincorporated Areas.	April 13, 2001, April 20, 2001, <i>The Courier-Journal</i> .	Ms. Rebecca Jackson, Jefferson County Judge Executive, 527 West Jefferson Street, Suite 400, Louisville, Kentucky 40202.	July 20, 2001	210120 D
Maine: Knox	Town of Camden	March 15, 2001, March 22, 2001, <i>Camden Herald</i> .	Mr. Roger Moody, Manager of the Town of Camden, P.O. Box 1207, Camden, Maine 04843.	March 9, 2001	230074 B

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Minnesota:					
Hennepin	City of Crystal	April 18, 2001, April 25, 2001, <i>Sun Post</i> .	The Honorable Peter E. Meinstma, Mayor of the City of Crystal, 4141 Douglas Drive, Crystal, Minnesota 55422.	July 25, 2001	270156
Hennepin	City of Medicine Lake.	April 18, 2001, April 25, 2001, <i>Sun-Sailor</i> .	The Honorable Thomas Schrader, Mayor of the City of Medicine Lake, 10609 South Shore Drive, Medicine Lake, Minnesota 55441.	July 25, 2001	270690
Hennepin	City of Minneapolis.	April 18, 2001, April 25, 2001, <i>Finance and Commerce</i> .	The Honorable Sharon Sayles Belton, Mayor of the City of Minneapolis, Minneapolis City Hall, 350 South Fifth Street, Room 331, Minneapolis, Minnesota 55415.	July 25, 2001	270172
Hennepin	City of Plymouth	April 18, 2001, April 25, 2001, <i>Sun-Sailor</i> .	The Honorable Joy Tierney, Mayor of the City of Plymouth, 3400 Plymouth Boulevard, Plymouth, Minnesota 55447.	July 25, 2001	270179
New Jersey:					
Burlington	Township of Evesham.	April 19, 2001, April 26, 2001, <i>Central Records</i> .	The Honorable Augustus F. Tamburro, Mayor of the Township of Evesham, Municipal Building, 984 Tuckerton Road, Marlton, New Jersey 08053.	April 5, 2001	340097 C
Morris	Borough of Madison.	March 22, 2001, March 29, 2001, <i>Madison Eagle</i> .	The Honorable John J. Dunne, Mayor of the Borough of Madison, Hartley Dodge Memorial, 50 Kings Road, Madison, New Jersey 07940.	June 12, 2001	340347 B
Cape May	City of North Wildwood.	January 10, 2001, January 17, 2001, <i>The Leader</i> .	The Honorable Aldo A. Palombo, Mayor of the City of North Wildwood, Municipal Building, 901 Atlantic Avenue, North Wildwood, New Jersey 08260.	December 27, 2000 ...	345308 E
Union	Township of Union.	August 7, 2000, August 24, 2000, <i>Union Leader</i> .	The Honorable Joseph Flurio, Mayor of the Township of Union, 1976 Morris Avenue, Union, New Jersey 07083.	August 10, 2000	340477
New York:					
Schoharie	Village of Cobleskill.	February 21, 2001, February 28, 2001, <i>Times Journal</i> .	The Honorable William Gilmore, Mayor of the Village of Cobleskill, Village Offices, P.O. Box 169, Cobleskill, New York 12043.	August 9, 2001	360743 B
Westchester ..	Village of Larchmont.	May 21, 2001, May 28, 2001, <i>The Journal News</i> .	Mr. R. Joseph Morgan, Larchmont Village Engineer, Municipal Building, 120 Larchmont Avenue, Larchmont, New York 10538.	November 7, 2001	360915 E
Oneida	City of Utica	May 18, 2001, May 25, 2001 <i>The Observer Dispatch</i> .	The Honorable Timothy J. Julian, Mayor of the City of Utica, 1 Kennedy Plaza, Utica, New York 13502.	November 7, 2001	360558 D.
North Carolina:					
Buncombe.	City of Asheville	May 10, 2001, May 17, 2001, <i>The Asheville Citizen-Times</i> .	The Honorable Leni Sitnick, Mayor of the City of Asheville, 70 Court Plaza, P.O. Box 7148, Asheville, North Carolina 28802.	August 16, 2001	370032 C
Ohio:					
Guernsey	City of Cambridge.	April 20, 2001, April 27, 2001, <i>The Jeffersonian</i> .	The Honorable Sam A. Salupo, Mayor of the City of Cambridge, 1131 Steubenville Avenue, Cambridge, Ohio 43725.	July 27, 2001	390200 C
Athens	Village of Glouster.	March 16, 2001, March 23, 2001, <i>The Athens Messenger</i> .	The Honorable David L. Angle, Mayor of the Village of Glouster, 16½ Front Street, Glouster, Ohio 45732.	July 20, 2001	390018 B
Guernsey	Unincorporated Areas.	April 20, 2001, April 27, 2001, <i>The Jeffersonian</i> .	Mr. Thomas J. Laughlin, President of the Guernsey County Board of Commissioners, 128 East 8th Street, Suite 101, Cambridge, Ohio 43725.	July 27, 2001	390198 C

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Lake	Unincorporated Areas.	May 3, 2001, May 10, 2001, <i>News-Herald</i> .	Mr. Daniel Troy, President of the Lake County Board of Commissioners, 105 Main Street, Painesville, Ohio 44077.	August 9, 2001	390771 C
Pennsylvania: Montgomery ..	Township of Abington.	March 28, 2001, April 4, 2001, <i>The Record</i> .	Ms. Barbara Ferrara, President, Township of Abington Board of Commissioners, 1176 Old York Road, Abington, Pennsylvania 19001.	March 16, 2001	420695 E
Montgomery ..	Township of Perkiomen.	February 15, 2001, <i>Times Herald</i> .	Mr. William Patterson, Chairman of the Board of Supervisors, Township of Perkiomen, 1 Trappe Road, Collegeville, Pennsylvania 19474.	March 17, 2001	421915 E
Schuylkill	City of Pottsville	April 6, 2001, April 13, 2001, <i>Pottsville Republican</i> .	The Honorable John D. W. Reiley, Mayor of the City of Pottsville, P.O. Box 50, Pottsville, Pennsylvania 17901.	March 23, 2001	420785 B
Puerto Rico ...	Commonwealth ..	June 19, 2001, June 26, 2001, <i>San Juan Star</i> .	The Honorable Rafael Cordero Santiago, Mayor of the Municipality of Ponce, P.O. Box 1709, Ponce, Puerto Rico 00733-1709.	September 26, 2001 ..	720000 D&E
Puerto Rico ...	Commonwealth ..	March 22, 2001, March 29, 2001, <i>San Juan Star</i> .	The Honorable Sila Maria Calderon, Governor of the Commonwealth of Puerto Rico, P.O. Box 82, La Fortaleza, San Juan, Puerto Rico 00901.	June 11, 2001	720000 E
Tennessee: Maury	City of Columbia	May 9, 2001, May 16, 2001, <i>Daily Herald</i> .	The Honorable Barbara McIntyre, Mayor of the City of Columbia, 707 North Main Street, Columbia, Tennessee 38401.	August 15, 2000	475423 D
Williamson	City of Franklin ...	April 11, 2001, April 18, 2001, <i>Review Appeal</i> .	The Honorable Jerry Sharber, Mayor of the City of Franklin, P.O. Box 305, Franklin, Tennessee 37065.	July 18, 2001	470206 D
Maury	Uninncorporated Areas.	May 9, 2001, May 16, 2001, <i>Daily Herald</i> .	Mr. Edward Harlam, Executive for Maury County, County Courthouse Basement, Public Room 101, Columbia, Tennessee 38401.	August 15, 2001	470123 B
Virginia: Independent City.	City of Roanoke	March 30, 2001, April 6, 2001, <i>Roanoke Times</i> .	The Honorable Ralph Smith, Mayor of the City of Roanoke, 215 Church Avenue, S.W., Room 452, Roanoke, Virginia 24011.	July 6, 2001	510130 D
Augusta	Unincorporated Areas.	May 25, 2001, June 1, 2001, <i>The Daily News Record</i> .	Mr. Patrick J. Coffield, Augusta County Administrator, P.O. Box 590, Verona, Virginia 24482.	May 11, 2001	510013 B
Buchanan	Unincorporated Areas.	October 4, 2000, October 11, 2000, <i>Virginia Mountaineer</i> .	Mr. William J. Caudill, Buchanan County Administrator, Administrative Office, P.O. Drawer 950, Grundy, Virginia 24614.	January 11, 2001	510024
Fauquier	Unincorporated Areas.	March 29, 2001, April 5, 2001, <i>Fauquier Citizen</i> .	Mr. G. Robert Lee, Fauquier County Administrator, 40 Culpeper Street, Warrenton, Virginia 20186.	July 5, 2001	510055 A
Prince William	Unincorporated Areas.	April 20, 2001, April 27, 2001, <i>The Potomac News</i> .	Mr. Craig S. Gerhart, Prince William County Executive, 1 County Complex Court, Prince William, Virginia 22192.	April 4, 2001	510119 D
Spotsylvania ..	Unincorporated Areas.	March 30, 2001, April 6, 2001, <i>Free Lance Star</i> .	Mr. L. Kimball Payne III, Spotsylvania County Administrator, P.O. Box 99, Spotsylvania, Virginia 22553.	September 21, 2001 ..	510308 C
Wisconsin: Pierce	Unincorporated Areas.	March 21, 2001, March 28, 2001, <i>Pierce County Herald</i> .	Mr. Richard Wilhelm, Chairman of the Pierce County Board, P.O. Box 128, Ellsworth, Wisconsin 54011.	June 27, 2001	555571 C

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Sauk	Unincorporated Areas.	May 29, 2001, <i>News-Re-public</i> .	Mr. Melvin Rose, Sauk County Board Chairperson, 505 Broadway Street, Room 140, Baraboo, Wisconsin 53913.	June 21, 2001	550391 D

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: July 18, 2001.

Robert F. Shea,

Acting Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 01-18737 Filed 7-26-01; 8:45 am]

BILLING CODE 6718-04-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Hazard Mapping Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (email) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Acting Administrator has resolved any appeals resulting from this notification.

The modified base flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Acting Administrator, Federal Insurance and Mitigation Administration, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama: Morgan (FEMA Docket No. D-7507).	City of Decatur	December 5, 2000, December 12, 2000, <i>The Decatur Daily</i> .	The Honorable Julian Price, Mayor of the City of Decatur, P.O. Box 488, Decatur, Alabama 35602.	Nov. 27, 2000	010176 D
Florida: Polk (FEMA Docket No. D-7507).	Unincorporated Areas.	December 15, 2000, December 22, 2000, <i>The Ledger</i> .	Mr. Jim W. Keene, Polk County Manager, 330 West Church Street, P.O. Box 9005, Drawer BC01, Bartow, Florida 33831-9005.	Dec. 21, 2000	120261 F
Brevard (FEMA Docket No. D-7505).	City of Rockledge	November 10, 2000, November 17, 2000, <i>Florida Today</i> .	The Honorable Larry L. Schultz, Mayor of the City of Rockledge, P.O. Box 560488, Rockledge, Florida 32956-0488.	Feb. 16, 2001	120027 E
Seminole (FEMA Docket No. D-7507).	Unincorporated Areas.	November 1, 2000, November 8, 2000, <i>Seminole Herald</i> .	Mr. Kevin Grace, Seminole County Manager, 1101 East First Street, Sanford, Florida 32771.	Feb. 7, 2001	120289 E
Seminole (FEMA Docket No. D-7507).	City of Winter Springs.	November 1, 2000, November 8, 2000, <i>Seminole Herald</i> .	Mr. Ronald McLemore, City of Winter Springs Manager, 1126 East State Road, Suite 434, Winter Springs, Florida 32708.	Feb. 7, 2001	120295E
Georgia: Catoosa (FEMA Docket No. D-7507).	Unincorporated Areas.	January 17, 2001, January 24, 2001, <i>The Catoosa County News</i> .	Mr. L.C. Cripps, Chairman of the Catoosa County Board of Commissioners, Catoosa County Courthouse, 7694 Nashville Street, Ringgold, Georgia 30736.	Jan. 5, 2001	130028 D
Chatham (FEMA Docket No. D-7507).	Unincorporated Areas.	November 10, 2000, November 17, 2000, <i>Savannah Morning News</i> .	Dr. Billy Hair, Chairman of the Chatham County Board of Commissioners, P.O. Box 8161, Savannah, Georgia 31412.	Feb. 16, 2001	130030 C
Catoosa (FEMA Docket No. D-7507).	City of Fort Oglethorpe.	January 17, 2001, January 24, 2001, <i>The Catoosa County News</i> .	The Honorable Judson L. Burkhart, Mayor of the City of Fort Oglethorpe, 500 Greenleaf Circle, Fort Oglethorpe, Georgia 30792.	Jan. 5, 2001	130248 D
Chatham (FEMA Docket No. D-7507).	City of Pooler	November 10, 2000, November 17, 2000, <i>Savannah Morning News</i> .	The Honorable Earl Carter, Mayor of the City of Pooler, 100 Southwest Highway 80, Pooler, Georgia 31322.	Feb. 16, 2001	130261 C
Kentucky: Jefferson (FEMA Docket No. D-7507).	Unincorporated Areas.	December 19, 2000, December 26, 2000, <i>The Courier-Journal</i> .	The Honorable Rebecca Jackson, Jefferson County Judge Executive, Jefferson County Courthouse, 527 West Jefferson Street, Suite 400, Louisville, Kentucky 40202.	Mar. 26, 2001	210120
Pike (FEMA Docket No. D-7505).	City of Pikeville ...	November 15, 2000, November 22, 2000, <i>The Appalachian News-Express</i> .	The Honorable Frank Morris, Mayor of the City of Pikeville, 118 College Street, Pikeville, Kentucky 41501.	Feb. 21, 2001	210193 F
Pike (FEMA Docket No. D-7507).	City of Pikeville ...	December 27, 2000, January 3, 2001, <i>The Appalachian News-Express</i> .	The Honorable Frank Morris, Mayor of the City of Pikeville, 118 College Street, Pikeville, Kentucky 41501.	Dec. 15, 2000	210193 F
Maryland: Harford (FEMA Docket No. D-7501).	Unincorporated Areas.	May 12, 2000, May 19, 2000, <i>The Aegis</i> .	Mr. James M. Harkins, Harford County Executive, 220 South Main Street, Bel Air, Maryland 21014.	May 3, 2000	240040 D
Mississippi: Hinds (FEMA Docket No. D-7507).	City of Clinton	November 29, 2000, December 6, 2000, <i>The Clarion Ledger</i> .	The Honorable Rosemary Aultman, Mayor of the City of Clinton, P.O. Box 156, Clinton, Mississippi 39060.	Mar. 6, 2001	280071 C
Harrison (FEMA Docket No. D-7507).	City of Gulfport	December 29, 2000, January 5, 2001, <i>The Sun Herald</i> .	The Honorable Bob Short, Mayor of the City of Gulfport, P.O. Box 1780, Gulfport, Mississippi 39502.	Feb. 13, 2001	285253
New Jersey: Cape May (FEMA Docket No. D-7507).	City of North Wildwood.	January 10, 2001, January 17, 2001, <i>The Leader</i> .	The Honorable Aldo A. Palombo, Mayor of the City of North Wildwood, Municipal Building, 901 Atlantic Avenue, North Wildwood, New Jersey 08260.	Dec. 27, 2000	345308 E
North Carolina:					

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Orange (FEMA Docket No. D-7507).	Town of Carrboro	December 29, 2000, January 5, 2001, <i>The Chapel Hill Herald</i> .	Mr. Robert W. Morgan, Town of Carrboro Manager, P.O. Box 829, Carrboro, North Carolina 27510.	Dec. 20, 2000	370275 B
Orange, Durham, and Chatham (FEMA Docket No. D-7507).	Town of Chapel Hill.	December 12, 2000, December 19, 2000, <i>The Herald-Sun</i> .	The Honorable Rosemary Waldorf, Mayor of the Town of Chapel Hill, 306 North Columbia Street, Chapel Hill, North Carolina 27516.	Mar. 19, 2001	370180 E
Guilford (FEMA Docket No. D-7505).	City of Greensboro.	November 16, 2000, November 23, 2000, <i>News & Record</i> .	The Honorable Keith Holliday, Mayor of the City of Greensboro, P.O. Box 3136, Greensboro, North Carolina 27402-3136.	Feb. 22, 2001	375351 C
Pennsylvania: Berks (FEMA Docket No. 7309).	Township of Cumru.	January 6, 2000, January 13, 2000, <i>Reading Eagle/Times</i> .	Mr. William Shea, Township of Cumru Manager, 1775 Welsh Road, Mohnton, Pennsylvania 19540.	Apr. 11, 2000	420130 D
Lancaster (FEMA Docket No. D-7509).	Township of East Cocalico.	February 19, 2001, <i>Intelligence Journal</i> .	Mr. Douglas Mackley, Chairman of the Board of Supervisors, East Cocalico Township Office, 100 Hill Road, Denver, Pennsylvania 17517.	Mar. 15, 2001	420547 C
Butler (FEMA Docket No. d-7501).	Borough of Harmony.	June 8, 2000, June 15, 2000, <i>Butler Eagle</i> .	Mr. Jeffrey Smith, President, Borough of Harmony Council, P.O. Box 945, Harmony, Pennsylvania 16037.	Sep. 13, 2000	420217
York (FEMA Docket No. 7313).	Township of Heidelberg.	November 19, 1999, November 26, 1999, <i>The Evening Sun</i> .	Mr. Harry Rodgers, Chairman, Township of Heidelberg, Route Number 3, Box 3447 A, Spring Grove, Pennsylvania 17362.	Nov. 10, 1999	422221C
Butler (FEMA Docket No. D-7501).	Township of Jackson.	June 8, 2000, June 15, 2000, <i>Butler Eagle</i> .	Mr. James A. MacDonald, Chairman, Township of Jackson, Board of Supervisors, 140 Magill Road, Zelieople, Pennsylvania 16063.	Sep. 13, 2000	421420
Berks (FEMA Docket No. 7309).	Borough of Kenhorst.	January 6, 2000, January 13, 2000, <i>Reading Eagle/Times</i> .	The Honorable Gerald P. Nally, Mayor of the Borough of Kenhorst, 339 South Kenhorst Boulevard, Kenhorst, Pennsylvania 19607.	Apr. 11, 2000	420135 D
Lancaster (FEMA Docket No. D-7503).	City of Lancaster	July 25, 2000, August 1, 2000, <i>Intelligencer Journal</i> .	The Honorable Charles W. Smithgall, Mayor of the City of Lancaster, P.O. Box 1599, 120 North Duke Street, Lancaster, Pennsylvania 17603-1599.	Jul. 5, 2000	420552
Berks (FEMA Docket No. D-7501).	Township of Lower Heidelberg.	April 24, 2000, May 1, 2000, <i>Reading Eagle/Reading Times</i> .	Mr. Russell Swinehart, Chairman of the Lower Heidelberg, Board of Supervisors, 24 Lisa Road, Sinking Spring, Pennsylvania 19608.	Apr. 4, 2000	421077 E
Dauphin (FEMA Docket No. D-7507).	Township of Lower Paxton.	December 6, 2000, December 13, 2000, <i>Patriot News</i> .	Mr. George S. Wolfe, Lower Paxton Township Manager, 75 South Houcks Road, Suite 207, Harrisburg, Pennsylvania 17109.	Nov. 28, 2000	420384 B
Lancaster (FEMA Docket No. D-7503).	Township of Manheim.	July 25, 2000, August 1, 2000, <i>Intelligencer Journal</i> .	Mr. Thomas Woodland, President, Manheim Township Board of Commissioners, 1840 Municipal Drive, Lancaster, Pennsylvania 17601-4162.	Jul. 5, 2000	420556 C
Bucks (FEMA Docket No. D-7501).	Township of Middletown.	April 26, 2000, May 3, 2000, <i>News-Herald</i> .	Mr. John J. Burke, Middletown Township Manager, 2140 Trenton Road, Levittown, Pennsylvania 19056.	Mar. 8, 2000	420193
Huntingdon (FEMA Docket No. D-7501).	Borough of Mount Union.	April 21, 2000, April 28, 2000, <i>The Daily News</i> .	The Honorable Michael C. Goodman, Mayor of the Borough of Mount Union, P.O. Box 90, Mount Union, Pennsylvania 17066.	Mar. 22, 2000	420489 B
York (FEMA Docket No. 7313).	Township of Penn	November 19, 1999, November 26, 1999, <i>The Evening Sun</i> .	Mr. Frederick W. Stine, President of the Penn Township Board of Commissioners, 20 Wayne Avenue, Hanover, Pennsylvania 17331.	Nov. 10, 1999	421025 C

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Montgomery (FEMA Docket No. D-7503).	Township of Plymouth.	July 18, 2000, July 25, 2000, <i>Times Herald</i> .	Ms. Joan Mower, Township of Plymouth Manager, 700 Belvoir Road, Plymouth Meeting, Pennsylvania 19462.	Jul. 7, 2000	420955 E
Lebanon (FEMA Docket No. D-7501).	Township of South Lebanon.	October 8, 1999, October 15, 1999, <i>The Daily News</i> .	Mr. Curtis Kulp, Township of South Lebanon Manager, 1800 South Fifth Avenue, Lebanon, Pennsylvania 17042.	Jan. 13, 2000	420581
Chester (FEMA Docket No. 7309).	Township of Valley.	February 8, 2000, February 15, 2000, <i>The Daily Local News</i> .	Mr. Grover E. Koon, Chairperson, Township of Valley Board of Supervisors, P.O. Box 467, Coatesville, Pennsylvania 19320.	Feb. 1, 2000	421206 D
Mifflin (FEMA Docket No. D-7501).	Township of Wayne.	April 21, 2000, April 28, 2000, <i>The Daily News</i> .	Mr. Theodore M. Reed, Chairman of the Wayne Township Board of Supervisors, 3055 Ferguson Valley, McVeytown, Pennsylvania 17051.	Mar. 22, 2000	421240 A
South Carolina: Lexington (FEMA Docket No. D-7507)	Unincorporated Areas.	December 22, 2000, December 29, 2000, <i>The State</i> .	Mr. Johnny Jeffcoat, Lexington County Chairman, 212 South Lake Drive, Lexington, South Carolina 29072.	Dec. 15, 2000	450129G
Tennessee:					
Shelby (FEMA Docket No. D-7507).	Town of Collierville.	December 13, 2000, December 20, 2000, <i>The Commercial Appeal</i> .	The Honorable Linda Kerley, Mayor of the Town of Collierville, 101 Walnut Street, Collierville, Tennessee 38017-2671.	Mar. 20, 2001	470263 E
Unicoi (FEMA Docket No. D-7507).	City of Erwin	January 24, 2001, January 31, 2001, <i>The Erwin Record</i> .	The Honorable Russell Brackins, Mayor of the City of Erwin, Town Hall, P.O. Box 59, Erwin, Tennessee 37650.	May 2, 2001	470094 B
Metropolitan Government (FEMA Docket No. D-7507).	City of Nashville and Davidson County.	December 12, 2000, December 19, 2000, <i>The Tennessean</i> .	The Honorable William Purcell, Mayor of the Metropolitan Government of Nashville and Davidson County, 107 Metropolitan Courthouse, Nashville, Tennessee 37201.	Dec. 4, 2000	470040 C
Shelby (FEMA Docket No. D-7507).	Unincorporated Areas.	December 13, 2000, December 20, 2000, <i>The Commercial Appeal</i> .	The Honorable Jim Rout, Mayor of Shelby County, 160 North Main Street, Suite 850, Memphis, Tennessee 38103.	Mar. 20, 2001	470214 E
Virginia:					
Arlington (FEMA Docket No. D-7507).	Unincorporated Areas.	November 10, 2000, November 17, 2000 <i>The Journal Newspaper</i> .	Mr. William Donahue, Arlington County Manager, 2100 Clarendon Boulevard, Room 302, Arlington, Virginia 22201.	May 3, 1982	515520
Brunswick (FEMA Docket No. D-7503).	Unincorporated Areas.	September 13, 2000, September 20, 2000 <i>Lake Gaston Gazette</i> .	Mr. J. Grady Martin, Chairman of the Brunswick County Board of Supervisors, County Courthouse, P.O. Box 399, Lawrenceville, Virginia 23868.	Sept. 6, 2000	510236 B
Independent City (FEMA Docket No. D-7507).	City of Falls Church.	November 10, 2000, November 17, 2000, <i>The Journal Newspaper</i> .	The Honorable Daniel Gardner, Mayor of the City of Falls Church, 300 Park Avenue, Falls Church, Virginia 22046.	Feb. 3, 1982	510054
Warren (FEMA Docket No. 7309).	Town of Front Royal.	February 1, 2000, February 8, 2000, <i>Northern Virginia Daily</i> .	Mr. Richard Anzolut, Jr., Town of Front Royal Manager, P.O. Box 1650, Front Royal, Virginia 22630.	Jan. 27, 2000	510167 B
Loudoun (FEMA Docket No. 7313).	Town of Leesburg	December 1, 1999, December 8, 1999, <i>Loudoun Times-Mirror</i> .	The Honorable James E. Clem, Mayor of the Town of Leesburg, P.O. Box 88, Leesburg, Virginia 20178.	Nov. 19, 1999	510091 C
Henrico (FEMA Docket No. D-7507).	Unincorporated Areas.	December 1, 2000, December 8, 2000, <i>The Richmond Times</i> .	Mr. Frank Thornton, Chairman of the Henrico County Board of Supervisors, P.O. Box 27032, Richmond, Virginia 23273.	Feb. 20, 2001	510077 B
Independent City (FEMA Docket No. D-7505).	City of Winchester	July 5, 2000, July 12, 2000, <i>Winchester Star</i> .	Mr. Edwin C. Daley, City of Winchester Manager, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia 22601.	June 23, 2000	510173 B

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Independent City (FEMA Docket No. D-7505).	City of Winchester	August 30, 2000, September 5, 2000, <i>Winchester Star</i> .	Mr. Edwin C. Daley, City of Winchester Manager, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia 22601.	Nov. 20, 2000	510173 B

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: July 18, 2001.

Robert F. Shea,

Acting Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 01-18738 Filed 7-26-01; 8:45 am]

BILLING CODE 6718-04-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Hazard Mapping Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (email) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) makes final determinations listed below of base

flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Acting Administrator, Federal Insurance and Mitigation Administration, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of

September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
FLORIDA	
Osceola County (Unincorporated Areas) (FEMA Docket Nos. 7279 and D-7504)	
<i>Lake Wilson:</i> Entire shoreline within the community	*107
<i>Buck Lake:</i> Entire shoreline within the community	*107
<i>Peg Horn Slough:</i> Approximately 150 feet upstream of confluence with St. Cloud Canal (Canal 31)	*61
Approximately 950 feet upstream of Missouri Avenue C-33 Canal:	*72
Confluence with Lake Gentry	*66
Confluence of Alligator Lake	*66
<i>Canoe Creek (C-34 Canal):</i>	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Downstream side of Canoe Creek Road (SR 523)	*56	Approximately 4,430 feet downstream of Marigold Avenue	*66	Maps available for inspection at the Dougherty County Planning & Development Services Department, 222 Pine Avenue, Albany, Georgia,	
At confluence with Lake Gentry	*66	Approximately 870 feet upstream of Marigold Avenue	*67	Cook County (Unincorporated Areas) (FEMA Docket No. D-7508)	
<i>WPA Canal:</i>		<i>Reedy Creek Tributary No. 3:</i> Approximately 0.75 mile downstream of Doverplum Avenue	*63	<i>Morrison Creek Tributary:</i>	
At confluence with Lake Tohopekaliga	*57	Downstream side of San Remo Road	*68	At the confluence with Morrison Creek	*209
Approximately 0.9 mile upstream of West New Nolte Road	*73	<i>Lake Davenport:</i>		A point approximately 150 feet upstream of Interstate Route 75	*221
<i>West City Canal:</i>		Entire shoreline within county	*112	<i>Bear Creek Tributary:</i>	
Confluence with Lake Tohopekaliga	*57	<i>Davenport Creek:</i>		A point approximately 750 feet upstream of the confluence with Bear Creek	*230
Downstream side of U.S. Route 17/92	*58	Approximately 1 mile downstream of State Route 545	*80	A point approximately 0.72 mile upstream of the confluence with Bear Creek	*237
<i>Shingle Creek:</i>		Downstream side of Oak Island Road	*108	Maps available for inspection at the Cook County Commissioner's Office, 209 North Parrish Avenue, Adel, Georgia.	
Confluence with Lake Tohopekaliga	*57	<i>Davenport Creek Tributary No. 1:</i>		Dougherty County (Unincorporated Areas) (FEMA Docket No. D-7303)	
Approximately 200 feet upstream of Osceola Parkway	*76	At confluence with Davenport Creek	*107	<i>Spring Flats Branch:</i>	
<i>West Branch Shingle Creek:</i>		At the upstream side of North Goodman Road	*112	Approximately 120 feet downstream of Georgia Highway 300 off-ramp	*182
Just downstream of Poinciana Boulevard	*67	<i>Davenport Creek Tributary No. 2:</i>		Approximately 50 feet upstream of Gaissert Road ...	*223
Approximately 0.8 mile upstream of Scott Boulevard	*71	At confluence with Davenport Creek	*106	<i>Piney Woods Creek:</i>	
<i>West Branch Shingle Creek Tributary:</i>		Approximately 0.91 mile upstream of confluence with Davenport Creek	*107	Approximately 6,100 feet downstream of Cordele Road (U.S. 300)	*197
At confluence with West Branch Shingle Creek	*65	*North American Vertical Datum of 1988.		Approximately 4,100 feet upstream of South County Line Road	*238
Approximately 400 feet upstream of Poinciana Boulevard	*67	Maps available for inspection at the County Administrative Building, Engineering Department, Room 249, 17 South Vernon Avenue, Kissimmee, Florida.		<i>Flint River:</i>	
<i>St. Johns River:</i>				Approximately 9.625 miles downstream of Oak Ridge Drive (at corporate limits) ..	*173
Approximately 0.7 mile downstream of downstream county boundary	*17			Approximately 10.55 miles upstream of Lakeworth Dam (at corporate limits) ...	*204
Approximately 20.5 miles upstream of downstream county boundary	*19	GEORGIA		<i>Dry Creek:</i>	
<i>Lake Hatchineha:</i>				Approximately 0.52 mile downstream of State Route 3	*174
Entire shoreline within county	*56			Approximately 1,000 feet downstream of U.S. Route 19	*179
<i>Alligator Lake:</i>				<i>Tributary 1 to Dry Creek:</i>	
Entire shoreline within county	*66	Adel (City), Cook County (FEMA Docket No. D-7508)		Approximately 0.53 mile downstream of Unnamed Farm Road	*229
<i>Lake Gentry:</i>		<i>Morrison Creek Tributary:</i>		Approximately 1,600 feet downstream of Unnamed Farm Road	*231
Entire shoreline within county	*66	A point approximately 650 feet downstream of Nelson Road	*221	<i>Tributary 4 to Flint River:</i>	
<i>Brick Lake:</i>		Upstream side of Nelson Road	*221	Approximately 1.34 miles downstream of State Highway 257 (Cordele Road) ...	*197
Entire shoreline within county	*66	<i>Bear Creek Tributary:</i>		Approximately 650 feet downstream of State Highway 257 (Cordele Road) ...	*199
<i>Pearl Lake:</i>		A point approximately 900 feet upstream of the confluence with Bear Creek	*230	<i>Cooleewahee Creek:</i>	
Entire shoreline within county	*66	A point approximately 0.72 mile upstream of the confluence with Bear Creek	*237	At upstream side of Gillionville Road	*191
<i>Lake Lizzy:</i>		Maps available for inspection at the Cook County Commissioner's Office, 209 North Parrish Avenue, Adel, Georgia.			
Entire shoreline within county	*66				
<i>Sardine Lake:</i>					
Entire shoreline within county	*66				
<i>Live Oak Lake:</i>					
Entire shoreline within county	*66				
<i>Trout Lake:</i>					
Entire shoreline within county	*66				
<i>Lake Joel:</i>					
Entire shoreline within county	*63				
<i>Lake Preston:</i>					
Entire shoreline within county	*63				
<i>Lake Myrtle:</i>					
Entire shoreline within county	*63				
<i>Lake Bullock:</i>					
Entire shoreline within county	*66				
<i>Lake Center:</i>					
Entire shoreline within county	*66				
<i>Coon Lake:</i>					
Entire shoreline within county	*66				
<i>Reedy Creek Tributary No. 1:</i>					
Approximately 7,000 feet downstream of Marigold Avenue	*65				
Approximately 0.45 mile upstream of San Miguel Road	*68				
<i>Reedy Creek Tributary No. 2:</i>					

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Approximately 1.68 miles upstream of Gillionville Road Maps available for inspection at the Dougherty County Planning & Development Services Department, 222 Pine Avenue, Albany, Georgia.	*200	Just upstream of Weld Road <i>Potash Brook:</i> At the confluence with Sevenmile Stream At county boundary <i>Sevenmile Stream:</i> Approximately 490 feet downstream of Severy Hill Road Approximately 0.5 mile upstream of U.S. Route 2/ State Route 17 <i>Tucker Valley Brook:</i> Approximately 0.7 mile downstream of Valley Brook Road Approximately 70 feet upstream of Point Morse Hill Road <i>Webb River:</i> At the confluence with Androscoggin River Approximately 100 feet downstream of U.S. Route 2	*458 *490 *491 *422 *562 *428 *612 *416 *420	Approximately 2,240 feet upstream of the confluence with Stanley Stream <i>Tufts Pond:</i> Entire shoreline within the community Maps available for inspection at the Kingfield Town Hall, 38 School Street, Kingfield, Maine.	*589 *1,250
Sparks (Town), Cook County (FEMA Docket No. D-7508) <i>Bear Creek Tributary:</i> At the confluence with Bear Creek A point approximately 750 feet upstream of the confluence with Bear Creek	*230 *230	Maps available for inspection at the Town of Sparks City Hall, 115 East Colquitt, Sparks, Georgia.		Louds Island (Lincoln County) (FEMA Docket No. D-7506) <i>Muscongus Bay:</i> Eastern shoreline of Louds Island directly west of Killick Stone Island <i>Muscongus Sound:</i> Northwestern shoreline of Louds Island	*23 *10
MAINE					
Bar Island (Lincoln County) (FEMA Docket No. D-7506) <i>Muscongus Bay:</i> Entire shoreline of Bar Island Maps available for inspection at the Bristol Town Office, 1268 Bristol Road, Bristol, Maine, and Land Use Regulation Commission, State House Station 22, Augusta, Maine.	*16	Greenville (Town), Piscataquis County (FEMA Docket No. D-7506) <i>Mill Brook:</i> At the confluence with Moosehead Lake Approximately 55 feet upstream of Scammon Road <i>Prong Pond:</i> Entire shoreline within community	*1,030 *1,260 *1,033	Maps available for inspection at the Dixfield Town Hall, 46 Main Street, Dixfield, Maine.	
Dixfield (Town), Oxford County (FEMA Docket No. D-7506) <i>Androscoggin River:</i> At the downstream corporate limits At the confluence of the Webb River <i>Aunt Hannah Brook:</i> At the confluence with the Webb River Approximately 75 feet upstream of Weld Road <i>Butterfield Brook:</i> At the confluence with Sevenmile Stream Approximately 60 feet upstream of U.S. Route 2/ State Route 17 <i>Harvey Brook:</i> At the confluence with the Androscoggin River Approximately 460 feet upstream of Canton Point Road <i>Hugh Brook:</i> At the confluence with Sevenmile Stream Approximately 1,460 feet upstream of the confluence with Sevenmile Stream	*403 *416 *434 *443 *466 *478 *407 *407 *516 *562	Indian Island (Lincoln County) (FEMA Docket No. D-7506) <i>Muscongus Bay:</i> Western shoreline of Indian Island Eastern shoreline of Indian Island Maps available for inspection at the Greenville Town Office, Minden Street, Greenville, Maine.	*13 *16	Marsh Island (Lincoln County) (FEMA Docket No. D-7506) <i>Muscongus Bay:</i> Southeastern shoreline of Marsh Island Northern shoreline of Marsh Island Maps available for inspection at the Bristol Town Office, 1268 Bristol Road, Bristol, Maine, and Land Use Regulation Commission, State House Station 22, Augusta, Maine.	*23 *10
<i>Newton Brook:</i> At the confluence with the Androscoggin River Just upstream of Norton Road <i>Paddy Meadow Brook:</i> Approximately 1,400 feet upstream of the confluence with the Webb River	*409 *580 *435	Kingfield (Town), Franklin County (FEMA Docket No. D-7504) <i>Stanley Stream:</i> Approximately 150 feet upstream of the confluence with Carrabassett River Approximately 1,400 feet upstream of the confluence with Carrabassett River <i>Unnamed Brook:</i> At confluence with Stanley Stream	*557 *572 *572	Mount Vernon (Town), Kennebec County (FEMA Docket No. D-7508) <i>Flying Pond:</i> Entire shoreline within community <i>Echo Lake:</i> Entire shoreline within community <i>Torsey Lake:</i> Entire shoreline within community <i>Long Pond:</i> Entire shoreline within community <i>Belgrade Stream:</i> Between downstream corporate limits and Wings Mills Dam Between Wings Mills Dam and Long Pond <i>Minnehonk Lake:</i> Entire shoreline within community <i>Taylor Pond:</i> Entire shoreline within community	*349 *318 *266 *242 *238 *242 *333 *328

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Maps available for inspection at the Mount Vernon Town Hall, Readfield (North) Road, Mount Vernon, Maine.		Maps available for inspection at the Long Hill Municipal Building, 1802 Long Hill Road, Millington, New Jersey.		A point approximately 200 feet upstream of Private Drive	*457
NEW JERSEY		New Providence (Borough), Union County (FEMA Docket No. D-7506)		Maps available for inspection at the Carmel Town Hall, 60 McAlpin Avenue, Mahopac, New York.	
Berkeley Heights (Township), Union County (FEMA Docket No. D-7504)		<i>Passaic River:</i>		Hamburg (Town), Erie County (FEMA Docket No. D-7506)	
<i>Passaic River:</i>		At the downstream corporate limit	*207	<i>Foster Brook:</i>	
At a point approximately 500 feet upstream of downstream corporate limit	*212	At the upstream corporate limit	*212	At the confluence with Lake Erie	*582
At upstream corporate limits	*213	Maps available for inspection at the New Providence Borough Hall, Engineer's Office, 360 Elkwood Avenue, New Providence, New Jersey.		Downstream side of Maelou Drive	*795
<i>Snyder Avenue Brook:</i>				<i>Lake Erie:</i>	
At the confluence with the Passaic River	*212			Southwest corporate limits along Lake Erie	*581
At a point approximately 1,000 feet upstream of confluence with Passaic River	*212			Northeast corporate limits along Lake Erie	*582
<i>Forest Avenue Brook:</i>		Roseland (Borough), Essex County (FEMA Docket No. D-7504)		Maps available for inspection at the Hamburg Building Inspection Department, 6100 South Park Avenue, Hamburg, New York.	
At the confluence with the Passaic River	*213	<i>Passaic River:</i>			
At a point approximately 60 feet upstream of confluence with Passaic River	*213	At the downstream corporate limits	*174	Lumberland (Town), Sullivan County (FEMA Docket No. D-7504)	
<i>Robbins Avenue Brook:</i>		Approximately 0.69 mile upstream of Eagle Rock Avenue	*175	<i>Delaware River:</i>	
At the confluence with the Passaic River	*212	<i>Foulertons Brook:</i>		At downstream corporate limits	*487
At a point approximately 450 feet downstream of Springfield Avenue	*212	At the confluence with Passaic River	*174	At upstream corporate limits	*578
<i>Chaucer Drive Brook:</i>		<i>North Branch Foulertons Brook:</i>		<i>Tributary to Delaware River:</i>	
At the confluence with the Passaic River	*213	At the confluence with Foulertons Brook	*174	At the confluence with the Delaware River	*548
At a point approximately 190 feet upstream of confluence with Passaic River	*214	Approximately 790 feet upstream of the confluence with Foulertons Brook	*174	Approximately 1,785 feet upstream of State Route 97 ..	*614
Maps available for inspection at the Berkeley Heights Township Hall, Engineer's Office, 29 Park Avenue, Berkeley Heights, New Jersey.		Maps available for inspection at the Roseland Municipal Building, Office of the Borough Clerk, 19 Harrison Avenue, Roseland, New Jersey.		<i>Mill Brook:</i>	
				At the confluence with the Delaware River	*531
Harding (Township), Morris County (FEMA Docket No. D-7502)				Approximately 0.9 mile upstream of Bernard Church Road	*667
<i>Passaic River:</i>				<i>East Branch Mill Brook:</i>	
At downstream corporate limits	*230			At confluence with Mill Brook	*662
Approximately 1.15 miles upstream of Mount Kemble Avenue (U.S. Route 202) ..	*303			Approximately 0.5 mile upstream of East Branch Mill Brook Dam	*1,169
Maps available for inspection at the Township of Harding Municipal Building, Township Clerk's Office, Blue Mill Road, New Vernon, New Jersey.				Maps available for inspection at the Lumberland Town Hall, 1054 Proctor Road, Glen Spey, New York.	
Long Hill (Township), Morris County (FEMA Docket No. 7307)		NEW YORK		OHIO	
<i>Passaic River:</i>				Adams County (Unincorporated Areas) (FEMA Docket No. D-7506)	
Approximately 0.9 mile downstream of Passaic Valley Road	*212	Carmel (Town), Putnam County (FEMA Docket No. D-7504)		<i>Ohio River:</i>	
Approximately 1,500 feet upstream of White Bridge Road	*230	<i>Peekskill Hollow Creek:</i>		Approximately 600 feet downstream of the downstream county boundary	*517
		A point approximately 240 feet downstream of downstream corporate limits	*346	Approximately 600 feet upstream of the upstream county boundary	*529
				Maps available for inspection at the Adams County Administrative Offices, 215 North Cross Street, West Union, Ohio.	

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Brown County (Unincorporated Areas) (FEMA Docket No. D-7506)		At upstream corporate limits <i>Monocacy Creek:</i>	*241	Downstream corporate limits	*236
<i>Ohio River:</i>		At confluence with Lehigh River	*230	Upstream corporate limits	*236
From the downstream county boundary	*509	Approximately 10 feet upstream of West Lehigh Street	*236	Maps available for inspection at the Borough Hall, 941 Long Street, Fountain Hill, Pennsylvania.	
From the upstream county boundary	*517	Maps available for inspection at the City Hall, 10 East Church Street, Bethlehem, Pennsylvania.		Franconia (Township), Montgomery County (FEMA Docket No. D-7500)	
Maps available for inspection at the Brown County Engineer's Office, 325 West State Street, Georgetown, Ohio.		Catasauqua (Borough), Lehigh County (FEMA Docket No. 7303)		<i>East Branch Perkiomen Creek:</i>	
PENNSYLVANIA		<i>Lehigh River:</i>		Approximately 500 feet downstream of Moyer Road	*222
Alburtis (Borough), Lehigh County (FEMA Docket No. 7303)		Approximately 0.38 mile downstream of Race Street	*271	At a point approximately 400 feet downstream of County Line Road	*276
<i>Swabia Creek:</i>		Approximately 0.28 mile upstream of Pine Street	*281	Maps available for inspection at the Franconia Municipal Building, 671 Allentown Road, Franconia, Pennsylvania.	
Approximately 180 feet downstream from the downstream corporate limits	*412	<i>Catasauqua Creek:</i>		Green Lane (Borough), Montgomery County (FEMA Docket No. D-7500)	
Upstream corporate limits	*439	At confluence with Lehigh River	*273	<i>Perkiomen Creek:</i>	
<i>Swabia Creek Tributary:</i>		Just upstream of CONRAIL bridge	*273	Approximately 1,050 feet downstream of confluence of Macoby Creek	*221
At confluence with Swabia Creek	*433	Maps available for inspection at the Borough Hall, 118 Bridge Street, Catasauqua, Pennsylvania.		Approximately 50 feet downstream of Park Road	*229
Approximately 275 feet upstream of confluence with Swabia Creek	*435	Collegeville (Borough), Montgomery County (FEMA Docket No. D-7500)		Maps available for inspection at the Green Lane Borough Hall, 201 Main Street, Green Lane, Pennsylvania.	
Maps available for inspection at the Borough Hall, 260 Franklin Street, Alburtis, Pennsylvania.		<i>Perkiomen Creek:</i>		Hanover (Township), Lehigh County (FEMA Docket No. 7303)	
Allentown (City), Lehigh County (FEMA Docket No. 7303)		At a point approximately 0.85 mile downstream of Ridge Pike	*114	<i>Lehigh River:</i>	
<i>Jordan Creek:</i>		At a point approximately 0.57 mile downstream of State Route 113	*122	Approximately 0.29 mile downstream of U.S. Route 22	*265
At confluence with Little Lehigh Creek	*256	Maps available for inspection at the Collegeville Borough Hall, 491 East Main Street, Collegeville, Pennsylvania.		Approximately 0.66 mile upstream of U.S. Route 22 ...	*270
At upstream corporate limits	*276	Coplay (Borough), Lehigh County (FEMA Docket No. 7303)		<i>Tributary to Lehigh River:</i>	
<i>Lehigh River:</i>		<i>Lehigh River:</i>		Approximately 0.70 mile upstream of confluence with Lehigh River	*292
At downstream corporate limits	*241	At downstream corporate limits	*288	Approximately 100 feet upstream of corporate limits ..	*293
At upstream corporate limits	*265	At upstream corporate limits	*294	Maps available for inspection at the Township Hall, 2202 Grove Road, Allentown, Pennsylvania.	
<i>Little Lehigh Creek:</i>		Maps available for inspection at the Borough Hall, 98 South Fourth Street, Coplay, Pennsylvania.		Lower Frederick (Township), Montgomery County (FEMA Docket No. D-7500)	
820 feet downstream Third Street	*249	Emmaus (Borough), Lehigh County (FEMA Docket No. 7307)		<i>Perkiomen Creek:</i>	
Approximately 950 feet upstream of Keystone Road	*311	<i>Little Lehigh Creek:</i>		At a point approximately 250 feet upstream of Park Avenue	*147
<i>Tributary to Lehigh River:</i>		At downstream corporate limits	*331	Approximately 0.65 mile downstream of confluence with Unami Creek	*187
At confluence with Lehigh River	*264	At upstream corporate limits	*337	<i>Swamp Creek:</i>	
Approximately 1,270 feet upstream side of Dauphin Street	*266	Maps available for inspection at the Emmaus Borough Hall, 28 South Fourth Street, Emmaus, Pennsylvania.		At the confluence with Perkiomen Creek	*151
<i>Cedar Creek:</i>		Fountain Hill (Borough), Lehigh County (FEMA Docket No. 7303)		At a point approximately 1,140 feet upstream of Spring Mount Road	*151
Confluence with Little Lehigh Creek	*266	<i>Lehigh River:</i>			
Just downstream of Mosser Street	*266				
Maps available for inspection at the Engineering Bureau, Room 431, City Hall, 435 Hamilton Street, Allentown, Pennsylvania.					
Bethlehem (City), Lehigh County (FEMA Docket No. 7303)					
<i>Lehigh River:</i>					
Approximately 1,637 feet downstream of New Street	*230				

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Maps available for inspection at the Lower Frederick Township Building, 53 Spring Mount Road, Spring Mount, Pennsylvania.		Maps available for inspection at the Lower Providence Administration Building, 100 Parklane Drive, Eagleville, Pennsylvania.		Perkiomen (Township), Montgomery County (FEMA Docket No. D-7500)	
Lower Macungie (Township), Lehigh County (FEMA Docket No. 7303)		Lower Salford (Township), Montgomery County (FEMA Docket No. D-7500)		<i>Perkiomen Creek:</i>	
<i>Little Lehigh Creek:</i>		<i>East Branch Perkiomen Creek:</i>		At a point approximately 0.65 mile downstream of State Route 113	*122
Approximately 1,400 feet downstream of Riverbend Road	*312	At a point approximately 200 feet upstream of Garges Road	*157	Approximately 550 feet upstream of Park Avenue	*147
At upstream corporate limits (county boundary)	*406	Approximately 0.40 mile upstream of the confluence of Indian Creek	*200	<i>East Branch Perkiomen Creek:</i>	
<i>Swabia Creek:</i>		Maps available for inspection at the Lower Salford Township Hall, 474 Main Street, Harleysville, Pennsylvania.		At the confluence with Perkiomen Creek	*136
At confluence with Little Lehigh Creek	*351	Marlborough (Township), Montgomery County (FEMA Docket No. D-7500)		Approximately 250 feet upstream of Garges Road	*157
Approximately 450 feet downstream of Warmkessel Drive	*351	<i>Perkiomen Creek:</i>		Maps available for inspection at the Perkiomen Township Hall, 1 Trappe Road, Collegeville, Pennsylvania.	
<i>Toad Creek:</i>		Approximately 0.5 mile downstream of confluence with Unami Creek	*189	Salford (Township), Montgomery County (FEMA Docket No. D-7500)	
At confluence with Little Lehigh Creek	*394	At downstream side of Green Lane Dam	*235	<i>East Branch Perkiomen Creek:</i>	
Approximately 211 feet upstream of Ash Lane	*398	<i>Unami Creek:</i>		At the downstream side of Moyer Road	*224
<i>Tributary to Little Lehigh Creek:</i>		From the confluence with Perkiomen Creek	*192	At a point approximately 400 feet downstream of County Line Road	*276
Approximately 200 feet downstream of upstream corporate limits	*382	Approximately 800 feet above confluence with Perkiomen Creek	*192	Maps available for inspection at the Salford Township Hall, 159 Ridge Road, Tylersport, Pennsylvania.	
At upstream corporate limits	*385	Maps available for inspection at the Marlborough Municipal Building, 6040 Upper Ridge Road, Green Lane, Pennsylvania.		Salisbury (Township), Lehigh County (FEMA Docket No. 7303)	
<i>Spring Creek No. 1:</i>		North Whitehall (Township), Lehigh County (FEMA Docket No. 7303)		<i>Lehigh River:</i>	
At confluence with Little Lehigh Creek	*378	<i>Lehigh River:</i>		Downstream corporate limits	*236
Approximately 528 feet downstream Private Drive	*378	At downstream corporate limits	*304	Upstream corporate limits	*247
Maps available for inspection at the Township Hall, 3400 Brookside Road, Macungie, Pennsylvania.		Approximately 255 feet downstream of upstream corporate limits	*350	<i>Little Lehigh Creek:</i>	
Lower Milford (Township), Lehigh County (FEMA Docket No. 7303)		<i>Jordan Creek:</i>		Approximately 400 feet upstream of Fish Hatchery Road	*295
<i>Tributary to Hosensack Creek:</i>		Approximately 1,000 feet upstream of confluence of Hassen Creek	*355	At upstream corporate limits	*312
Approximately 0.44 mile downstream of Kings Highway	*487	Approximately 500 feet downstream of Kernsville Road	*359	Maps available for inspection at the Township Hall, 2900 South Pike Avenue, Allentown, Pennsylvania.	
Approximately 700 feet upstream of Kings Highway ..	*512	<i>Fells Creek:</i>		Schwenksville (Borough), Montgomery County (FEMA Docket No. D-7500)	
Maps available for inspection at the Township Hall, 7607 Chestnut Hill Church Road, Coopersburg, Pennsylvania.		At the confluence with the Lehigh River	*315	<i>Perkiomen Creek:</i>	
Lower Providence (Township), Montgomery County (FEMA Docket No. D-7500)		A point approximately 750 feet upstream of Neffs-Laurys Road (3rd crossing)	*546	Approximately 50 feet downstream of Garges Road	*137
<i>Perkiomen Creek:</i>		Maps available for inspection at the Township Hall, Zoning Office, 3256 Levans Road, Coplay, Pennsylvania.		Approximately 500 feet upstream of Park Avenue	*147
At a point approximately 100 feet upstream of the confluence with the Schuylkill River	*94	<i>Perkiomen Creek:</i>		Maps available for inspection at the Schwenksville Borough Hall, 140 Main Street, Schwenksville, Pennsylvania.	
Approximately 0.65 mile downstream of State Route 113	*122	Approximately 0.7 mile downstream of State Route 113		Skipack (Township), Montgomery County (FEMA Docket No. D-7500)	
<i>Skipack Creek:</i>		At confluence of East Branch Perkiomen Creek		<i>Perkiomen Creek:</i>	
At the confluence with Perkiomen Creek	*99	<i>East Branch Perkiomen Creek:</i>		Approximately 0.7 mile downstream of State Route 113	*121
Approximately 0.6 mile upstream of Arcola Road	*102			At confluence of East Branch Perkiomen Creek	*136

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At the confluence with Perkiomen Creek	*136	Maps available for inspection at the Township Hall, 5831 Kings Highway South, Old Zionsville, Pennsylvania.		Approximately 0.33 mile upstream of State Route 873	*388
At a point approximately 350 feet upstream of Garges Road	*157			Maps available for inspection at the Township Hall, 7951 Center Street, Emerald, Pennsylvania.	
Maps available for inspection at the Skippack Township Building, 1246 Bridge Road, Skippack, Pennsylvania.		Upper Providence (Township), Montgomery County (FEMA Docket No. D-7500)		Whitehall (Township), Lehigh County (FEMA Docket No. 7303)	
Slatington (Borough), Lehigh County (FEMA Docket No. 7303)		<i>Perkiomen Creek:</i> Approximately 100 feet upstream of the confluence with the Schuylkill River	*94	<i>Lehigh River:</i> Approximately 0.47 mile downstream of Lehigh Valley Thruway (U.S. Route 22 & I-78)	*265
<i>Lehigh River:</i> At downstream corporate limits	*360	At a point approximately 0.85 mile downstream of Ridge Pike	*114	Approximately 300 feet upstream of confluence with Spring Creek	*304
At upstream corporate limits	*374	Maps available for inspection at the Upper Providence Township Building, 1286 Black Rock Road, Oaks, Pennsylvania.		<i>Jordan Creek:</i> Approximately 0.5 mile downstream of North 4th Street	*265
<i>Trout Creek No. 2:</i> At confluence of Lehigh River	*363			Approximately 0.9 mile upstream of Mauch Chunk Road	*311
Approximately 730 feet upstream of confluence with Lehigh River	*363	Upper Salford (Township), Montgomery County (FEMA Docket No. D-7500)		Maps available for inspection at the Township Hall, 3219 MacArthur Road, Whitehall, Pennsylvania.	
Maps available for inspection at the Slatington Borough Office, 125 South Walnut Street, Slatington, Pennsylvania.		<i>East Branch Perkiomen Creek:</i> At a point approximately 1,900 feet upstream of the confluence of Indian Creek	*200	SOUTH CAROLINA	
South Whitehall (Township), Lehigh County (FEMA Docket No. 7303)		At downstream side of Moyer Road	*224	Edisto Beach (Town), Colleton County (FEMA Docket No. 7295)	
<i>Jordan Creek:</i> At downstream corporate limits	*303	<i>Perkiomen Creek:</i> Approximately 500 feet upstream of Park Avenue	*147	<i>Atlantic Ocean:</i> Approximately 450 feet southeast of intersection of Nancy Street and Palmatto Boulevard	*20
Approximately 1,000 feet upstream of confluence of Hassen Creek	*355	Approximately 0.5 mile downstream of confluence with Unami Creek	*189	Approximately 200 feet south of intersection of King Cotton Road and Gun Bluff Road	*13
Maps available for inspection at the Township Hall, 4444 Walbert Avenue, Allentown, Pennsylvania.		<i>Vaughn Run:</i> At the confluence with East Branch Perkiomen Creek ..	*215	Approximately 1,150 feet north, northwest of intersection of Yatch Club Road and Bay Point Drive	*20
Upper Frederick (Township), Montgomery County (FEMA Docket No. D-7500)		Approximately 380 feet upstream of the confluence with East Branch	*215	Approximately 1,600 feet north of intersection of Jungle Road and Mary Street	*16
<i>Perkiomen Creek:</i> At a point approximately 0.65 mile downstream of confluence with Unami Creek	*187	Perkiomen Creek	*215	Maps available for inspection at the Edisto Beach Town Hall, 2414 Myrtle Street, Edisto Beach, South Carolina.	
At the downstream side of Green Lane Dam	*235	Maps available for inspection at the Upper Salford Township Hall, 1441 Salford Station Road, Salford, Pennsylvania.		Walterboro (City), Colleton County (FEMA Docket No. 7295)	
Maps available for inspection at the Upper Frederick Township Hall, 3205 Big Road, Obelisk, Pennsylvania.		<i>Saucon Creek:</i> At downstream corporate (county boundary)	*337	<i>Great Swamp:</i> Approximately 1.76 miles downstream of South Jeffries Boulevard	*26
Upper Milford (Township), Lehigh County (FEMA Docket No. 7303)		Approximately 400 feet downstream of Emmaus Road	*501	Approximately 200 feet upstream of South Jeffries Boulevard	*32
<i>Leibert Creek:</i> Approximately 750 feet downstream side of Chestnut Street	*371	Maps available for inspection at the Township Municipal Building, 5500 Camp Meeting Road, Center Valley, Pennsylvania.		<i>Ireland Creek:</i> At confluence with Great Swamp	*31
Approximately 650 feet downstream side of Chestnut Street	*372	Washington (Township), Lehigh County (FEMA Docket No. 7303)		Approximately 0.66 mile upstream of North Jeffries Boulevard	*40
<i>Tributary to Little Lehigh Creek:</i> At corporate limits	*385	<i>Lehigh River:</i> Approximately 300 feet upstream of downstream corporate limits	*351		
Upstream side of Indian Creek Road	*382				

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the City of Walterboro Building, Official's Office, 242 Hampton Street, Walterboro, South Carolina.	
VIRGINIA	
Franklin County (Unincorporated Areas) (FEMA Docket No. D-7504)	
<i>Smith Mountain Lake:</i> Entire shoreline within community	*803
<i>Roanoke River:</i> Entire shoreline within community	*803
<i>Gills Creek:</i> Approximately 575 feet downstream of State Route 668	*803
At confluence with Smith Mountain Lake	*803
<i>Lynville Creek:</i> At confluence with Roanoke River Approximately 1.95 miles upstream of the confluence with Roanoke River	*803
<i>Blackwater River:</i> At confluence with Smith Mountain Lake	*803
Approximately 2.9 miles upstream of confluence with Smith Mountain Lake	*803
Maps available for inspection at the Franklin County Planning Department, 70 East Court Street, Suite 301, Rocky Mount, Virginia.	

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: July 18, 2001.

Robert F. Shea,

Acting Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 01-18740 Filed 7-26-01; 8:45 am]

BILLING CODE 6718-04-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01-1660; MM Docket No. 99-240; RM-9503]

Radio Broadcasting Services; Albemarle and Indian Trail, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a *Notice of Proposed Rule Making*, 64 FR 37925 (July 14, 1999), this document reallots Channel 265A from Albemarle, NC to

Indian Trail, NC, as Indian Trail's first local aural transmission service. The coordinates for Channel 265A at Indian Trail are 35-06-53 North Latitude and 80-33-44 West Longitude.

DATES: Effective September 6, 2001.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-240, adopted July 11, 2001, and released July 13, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCASTING SERVICE

1. The authority citation for Part 73 reads as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by adding Indian Trail, Channel 265A, and removing Albemarle, Channel 265A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01-18349 Filed 7-26-01; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 072001B]

Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA). This action is necessary because the third seasonal apportionment of the 2001 Pacific halibut bycatch allowance specified for the deep-water species fishery in the GOA has been caught.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 23, 2001, until 1200 hrs, A.l.t., October 1, 2001.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Pacific halibut bycatch allowance for the GOA trawl deep-water species fishery, which is defined at § 679.21(d)(3)(iii)(B), was established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001, and 66 FR 37167, July 17, 2001) for the third season, the period July 1, 2001, through October 1, 2001, as 400 metric tons.

In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the third seasonal apportionment of the 2001 Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA has been caught. Consequently, NMFS is prohibiting directed fishing for the deep-water

species fishery by vessels using trawl gear in the GOA. The species and species groups that comprise the deep-water species fishery are: All rockfish of the genera *Sebastes* and *Sebastolobus*, deep-water flatfish, rex sole, arrowtooth flounder, and sablefish.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent

exceeding the third seasonal apportionment of the 2001 Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to prevent exceeding the third seasonal apportionment of the 2001 Pacific halibut bycatch allowance specified for the trawl deep-water

species fishery in the GOA constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 23, 2001.

Bruce C. Morehead,

Acting Office Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01-18695 Filed 7-23-01; 4:10 pm]

BILLING CODE 3510-22-S

Proposed Rules

Federal Register

Vol. 66, No. 145

Friday, July 27, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 00-003-3]

Mexican Hass Avocado Import Program; Public Hearings

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; notice of public hearings.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service is hosting four public hearings on the proposed rule on the Mexican hass avocado import program that we published in the **Federal Register** on July 13, 2001 (66 FR 36892).

DATES: The public hearings will be held in Denver, CO, on Tuesday, August 14, 2001; in Escondido, CA, on Thursday, August 16, 2001; in Homestead, FL, on Tuesday, August 21, 2001; and in Austin, TX, on Thursday, August 23, 2001. Advance registration for any hearing by fax or e-mail must be received by the Animal and Plant Health Inspection Service no later than 3 p.m. e.d.t. on Friday, August 10, 2001.

ADDRESSES: The public hearings will be held at the following locations:

1. Denver, CO: Renaissance Denver Hotel, 3801 Quebec Street, Denver, CO.
2. Escondido, CA: California Center for the Arts, 340 North Escondido Boulevard, Escondido, CA.
3. Homestead, FL: Redland Country Club, 24451 SW. 177th (Krome) Avenue, Homestead, FL.
4. Austin, TX: Stephen F. Austin Building, 1700 N. Congress Avenue, Austin, TX.

FOR FURTHER INFORMATION CONTACT: Mr. Michael A. Lidsky, Assistant Director, Regulatory Coordination, PPQ, APHIS, 4700 River Road Unit 141, Riverdale, MD 20737-1236; (301) 734-8790.

SUPPLEMENTARY INFORMATION: Four public hearings will be held on the

notice of proposed rulemaking on the Mexican hass avocado import program, published by the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, in the **Federal Register** on July 13, 2001 (66 FR 36891-36905, Docket No. 00-003-2).

The first public hearing will be held in Denver, CO, on Tuesday, August 14, 2001. The second public hearing will be held in Escondido, CA, on Thursday, August 16, 2001. The Center Theater at the California Center for the Arts can accommodate a maximum of 400 persons. The third public hearing will be held in Homestead, FL, on Tuesday, August 21, 2001. The fourth public hearing will be held in Austin, TX, on Thursday, August 23, 2001.

A representative of APHIS will preside at the public hearings. Any interested person may appear and be heard in person, by attorney, or by other representative. Written statements may be submitted and will be made part of the hearing record.

The purpose of the hearings is to give interested persons an opportunity for oral presentation of data, views, and arguments. Questions about the content of the proposed rule may be part of the commenters' oral presentations. However, neither the presiding officer nor any other representative of APHIS will respond to comments at the hearing, except to clarify or explain provisions of the proposed rule and the documents on which the proposed rule is based.

As stated in our July 13, 2001, proposed rule, all of the supporting documentation for the proposed rule is available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**, or via the Internet at <http://www.aphis.usda.gov/ppq/avocados/>. Copies of these documents will not be available at the hearings.

The hearings will begin at 9 a.m. and are scheduled to end at 5 p.m. each day. However, each hearing may be terminated at any time if all persons desiring to speak have been heard.

The presiding officer may limit the time for each presentation so that everyone is accommodated and all interested persons appearing on the scheduled dates have an opportunity to participate.

Registration for each hearing may be accomplished by registering with the presiding officer between 8:30 a.m. and

9 a.m. on any hearing day. Persons who wish to speak at any of the public hearings will be asked to sign in with their name and organization to establish a record for the hearing. We ask that anyone who reads a statement provide two copies to the presiding officer at the hearing. Those who wish to form a panel to present their views will be asked to provide the name of each member of the panel and the organizations the panel members represent.

Persons or panels wishing to speak at any of the public hearings may register in advance by fax or e-mail. Faxes and e-mails must clearly state the registrant's name, telephone number, organization, and location of the hearing at which they wish to speak. Persons wishing to register by fax must send a fax with the information described above to APHIS' Plant Protection and Quarantine Regulatory Coordination Staff at (301) 734-8693. Persons wishing to register by e-mail must send an e-mail with the information described above to peggy.a.torney@aphis.usda.gov. If registering for a panel, the registrant must also provide the name of each member of the panel and the organization each panel member represents. Advance registration for any hearing by fax or e-mail must be received by APHIS no later than 3 p.m. e.d.t. on Friday, August 10, 2001.

A transcript will be made of each public hearing, and the transcript will be placed in the rulemaking record and will be available for public inspection.

Done in Washington, DC, this 25th day of July 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01-18859 Filed 7-26-01; 8:45 am]

BILLING CODE 3410-34-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

Planned Establishment of the Nantucket Memorial Airport Class C Airspace Area, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meetings.

SUMMARY: This document announces two fact-finding informal airspace meetings to solicit information from airspace users, and others, concerning a plan to establish a Class C airspace area at the Nantucket Memorial Airport, MA. The purpose of these meetings is to provide interested parties an opportunity to present views, recommendations, and comments on the plan to establish the Nantucket, MA, Class C airspace area. All comments received during these meetings will be considered prior to any revision or issuance of a notice of proposed rulemaking.

DATES: *Meetings.* These informal airspace meetings will be held on Monday, August 20, 2001, at 7 pm–9 pm; and Tuesday, August 21, 2001, at 7 pm–9 pm.

Comments. must be received on or before September 21, 2001.

ADDRESSES: On August 20, 2001, the meeting will be held at the Continental Terminal conference room, at the Hyannis Airport (Barnstable Municipal-Boardman/Polando Field), Hyannis, MA. The August 21, 2001, meeting will be held at the Nantucket High School, Atlantic Avenue, Nantucket, MA.

Comments. Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANE-500, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803.

FOR FURTHER INFORMATION CONTACT: Robert Vosburgh, Cape TRACON, FAA, Otis ANGB, MA, 02128; telephone (508) 563-1400, FAX (508) 563-1490; or Patricia L. Garrambone, Air Traffic Division, FAA New England Regional Office, Burlington, MA, 01803; telephone (781) 238-7520, FAX (718) 238-7585.

SUPPLEMENTARY INFORMATION:

Meeting Procedures

(a) These meetings will be informal in nature and will be conducted by one or more representatives of the FAA New England Region. A representative from the FAA will present a formal briefing on the proposed Class C airspace area. Each participant will be given an opportunity to deliver comments or make a presentation at the meetings. Only comments concerning the proposal to establish a Class C airspace area will be accepted.

(b) These meetings will be open to all persons on a space-available basis. There will be no admission fee or other charge to attend and participate.

(c) Any person wishing to make a presentation to the FAA panel will be asked to sign in and estimate the

amount of time needed for such presentation. This will permit the panel to allocate an appropriate amount of time for each presenter.

(d) These meetings will not be adjourned until everyone on the list has had an opportunity to address the panel.

(e) Position papers or other handout material relating to the substance of these meetings will be accepted. Participants wishing to submit handout material should present three copies to the presiding officer. There should be additional copies of each handout available for other attendees.

(f) These meetings will not be formally recorded.

Agenda for the Meetings

Opening Remarks and Presentation of Meeting Procedures.

Briefing on Background for the Proposal to Establish a Class C airspace area at Nantucket, MA.

Public Presentations and Discussions.

Closing Comments.

Issued in Washington, DC, on July 20, 2001.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 01-18804 Filed 7-26-01; 8:45 am]

BILLING CODE 4910-13-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NH018-01-7156b; A-1-FRL-6999-5]

Approval and Promulgation of Air Quality Implementation Plans; New Hampshire: New Source Review Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of New Hampshire. The revisions establish and require the implementation of the Clean Air Act Amendments (CAAA) of 1990 regarding New Source Review (NSR) in areas that have not attained the National Ambient Air Quality Standards (NAAQS) and for areas located within the ozone transport region (OTR). In addition, the revisions remove the dual source definition of stationary source and adopt the plant-wide stationary source definition. The intended effect of this action is to approve New Hampshire's revisions to PART Env-A 610 (renumbered as Env-A 622), "Additional Requirements in

Nonattainment Areas and the New Hampshire Portion of the Northeast Ozone Transport Region." In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

DATES: Comments must be received on or before August 27, 2001.

ADDRESSES: Comments may be mailed to Steven Rapp, Unit Manager, Air Permits Program, Office of Ecosystem Protection (mail code CAP), U.S. Environmental Protection Agency, EPA New England, One Congress Street, Suite 1100, Boston, MA 02114-2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA, and New Hampshire Department of Environmental Services, 6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095.

FOR FURTHER INFORMATION CONTACT: Brendan McCahill, (617) 918-1652.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is located in the Rules Section of this **Federal Register**.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: May 22, 2001.

Ira Leighton,

Acting Regional Administrator, EPA New England.

[FR Doc. 01-16564 Filed 7-26-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 72, 75, 78, and 97**

[FRL-7019-4]

RIN 2060-AJ43

Revisions to the Federal NO_x Budget Trading Program, the Emissions Monitoring Provisions, the Permits Regulation Provisions, and the Appeal Procedures; Extension of Comment Period**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule; extension of comment period.

SUMMARY: The Environmental Protection Agency published a proposed rule in the **Federal Register** on June 13, 2001 at (66 FR 31978) on "Revisions to the Federal NO_x Budget Trading Program, the Emissions Monitoring Provisions, the Permits Regulation Provisions, and the Appeal Procedures" which provided a 45-day comment period, which expires on July 30, 2001. The EPA has received a request to extend the comment period for this proposed rule for 21 days. The EPA is today extending the comment period for the Revisions to the Federal NO_x Budget Trading Program, the Emissions Monitoring Provisions, the Permits Regulation Provisions, and the Appeal Procedures for 21 days until August 20, 2001.

DATES: Comments must be submitted by August 20, 2001.

ADDRESSES: Comments. Comments must be mailed (in duplicate if possible) to: EPA Air Docket (6102), Attention: Docket No. A-2000-33, Room-1500, Waterside Mall, 401 M Street, SW., Washington, DC 20460. Docket. Docket No. A-2000-33, containing supporting information used to develop the proposal, is available for public inspection and copying from 8:00 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays, at EPA's Air Docket Section at the above address.

FOR FURTHER INFORMATION CONTACT: Gabrielle Stevens, Clean Air Markets Division (6204N), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, telephone number (202) 564-2681 or the Acid Rain Hotline at (202) 564-9620. Electronic copies of the proposed rulemaking document and technical support documents can be accessed through the EPA Web site at: <http://www.epa.gov/airmarkets>.

Dated: July 23, 2001.

Brian J. McLean,*Director, Clean Air Markets Division/Office of Atmospheric Programs, Environmental Protection Agency.*

[FR Doc. 01-18820 Filed 7-26-01; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY**44 CFR Part 67**

[Docket No. FEMA-D-7510]

Proposed Flood Elevation Determinations**AGENCY:** Federal Emergency Management Agency, FEMA.**ACTION:** Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Hazard Mapping Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (email) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the

minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Acting Administrator, Federal Insurance and Mitigation Administration, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Classification

This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778 Civil Justice Reform

This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

Authority: 42 U.S.C. 4001 *et seq.*;
Reorganization Plan No. 3 of 1978, 3 CFR,
1978 Comp., p. 329; E.O. 12127, 44 FR 19367,
3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

1. The authority citation for Part 67 continues to read as follows:

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Connecticut	Newington Town Hartford County.	Mill Brook	At the confluence with Piper Brook	*53	*50
			Approximately 380 feet upstream of dam with footbridge.	*75	*74
		Schoolhouse Brook	Approximately 0.3 mile downstream of Wilson Avenue.	*75	*74
		Piper Brook	At Robbins Avenue	*80	*81
			At the downstream corporate limits	*53	*49
	Webster Brook		Approximately 350 feet upstream of confluence of Bass Brook.	*80	*79
		Rock Hole Brook	Approximately 340 feet downstream of Stonehedge Drive.	*50	*51
			Approximately 380 feet upstream of Willard Avenue.	None	*89
		Approximately 0.54 mile downstream of Kelsey Street.	*45	*48	
			Approximately 0.52 mile upstream of railroad embankment.	None	*74
Illinois	Champaign County (Unincorporated Areas).	Webster Brook Tributary ..	At the confluence with Webster Brook	None	*68
			Approximately 1,300 feet upstream of Liberty Street.	None	*71
		Bass Brook	At confluence with Piper Brook	*80	*79
Indiana	Cicero (Town), Hamilton County.		Approximately 100 feet upstream of Route 9.	None	*100

Maps available for inspection at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

Send comments to The Honorable Robert A. Randich, Mayor of the Town of Newington, Newington Town Hall, 131 Cedar Street, Newington, Connecticut 06111.

Georgia	Morgan County (Unincorporated Areas).	Apalachee River	Approximately 2.98 miles downstream of State Route 186.	None	*574
			Just downstream of State Route 186	None	*673

Maps available for inspection at the Morgan County Building Inspector's Office, 384 Hancock Street, Madison, Georgia.

Send comments to Mr. William Michael Nabors, Chairman of the Morgan County Board of Commissioners, P.O. Box 168, Madison, Georgia 30650.

Illinois	Champaign County (Unincorporated Areas).	Sangamon River	Approximately 1,000 feet downstream from the Township Road 2000 North (Shively) bridge.	None	*676
			At Lake of the Woods covered bridge	None	*689

Maps available for inspection at the Champaign County Department of Planning and Zoning, Brookens Administrative Center, 1776 East Washington Street, Urbana, Illinois.

Send comments to Ms. Patricia Avary, Chairman of the Champaign County Board, Brookens Administrative Center, 1776 East Washington Street, Urbana, Illinois 61802.

Illinois	Mahomet (Village), Champaign County.	Sangamon River	Approximately 800 feet downstream of downstream corporate limits.	None	*677
			Approximately 1,800 feet downstream of upstream corporate limits.	None	*689

Maps available for inspection at the Mahomet Village Hall, 503 East Main Street, Mahomet, Illinois.

Send comments to The Honorable Jeff Courson, Mayor of the Village of Mahomet, 503 East Main Street, P.O. Box 259, Mahomet, Illinois 61853.

Indiana	Cicero (Town), Hamilton County.	Morse Reservoir	Entire shoreline within community	*813	*814
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Maps available for inspection at the Cicero Town Hall, 70 North Byron Street, Cicero, Indiana.

Send comments to Mr. Bruce Freeman, President of the Cicero Town Council, 150 West Jackson, Cicero, Indiana 46034.

Indiana	Fishers (Town), Hamilton County.	Mud Creek	At East 96th Street	*780	*781
			At East 126th Street	*812	*815

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Sand Creek	At East 106th Street	*784	*785
			At Interstate 69	*803	*806
		West Fork White River	Approximately 1.2 miles downstream of confluence of Britton Branch.	None	*745
			Approximately 0.8 mile upstream of confluence of Britton Branch.	None	*748
		Britton Branch	At confluence with West Fork White River	None	*746
			Approximately 100 feet downstream of State Route 37.	None	*809

Maps available for inspection at the Town of Fishers Administrative Offices, One Municipal Drive, Fishers, Indiana.
Send comments to Mr. Michael Booth, Fishers Town Manager, One Municipal Drive, Fishers, Indiana 46038.

Indiana	Hamilton County (Unincorporated downstream Areas).	Mud Creek	Approximately 180 feet downstream of East 146th Street.	None	*831
			At Atlantic Road	None	*845
		Sand Creek	At East 146th Street	None	*821
			At Prairie Baptist Road	None	*840
		Musselman Ditch	Approximately 1,400 feet upstream of Promise Road.	None	*780
			Approximately 0.5 mile upstream of Victory Chapel Road.	None	*795
		Kirkendall Creek	At East 146th Street	None	*770
			At Hinkle Road	None	*821
		Vestal Ditch	At East 146th Street	None	*769
			Approximately 1,600 feet downstream of East 161st Street.	None	*775

Maps available for inspection at the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana.
Send comments to Mr. Charles Kiphart, Director of the Hamilton County Planning Commission, One Hamilton County Square, Suite 146, Noblesville, Indiana 46060.

Indiana	Noblesville (City), Hamilton County.	Britton Branch	Just upstream of Allisonville Road	None	*751
			Just downstream of Norfolk and Western Railroad.	None	*800
		Elmwood-Wilson Ditch	At confluence with Stony Creek	None	*756
			Approximately 500 feet downstream of State Route 37.	None	*768
		Kirkendall Creek	Just upstream of abandoned railroad	None	*785
			Just downstream of East 156th Street	None	*793
		Mallery Granger Ditch	At confluence with West Fork White River	None	*765
			Approximately 800 feet downstream of East 211th Street.	None	*805
		Mill Creek	At confluence with Sly Run	None	*767
			Approximately 600 feet upstream of Little Chicago River.	None	*819
		Morse Reservoir	Entire shoreline within community	None	*814
		Musselman Ditch	At confluence with West Fork White River	None	*771
			Approximately 1,400 feet upstream of Promise Road.	None	*780
		Sly Run	At confluence with Cicero Creek	None	*762
			At confluence of Sly Run East Fork and Sly Run West Fork.	None	*821
		Vestal Ditch	Approximately 200 feet downstream of abandoned railroad.	None	*772
			Just downstream of East 161st Street	None	*776
		Sly Run East Fork	At confluence of Sly Run West Fork	None	*821
			Just downstream of Hinkle Road	None	*865
		Sly Run West Fork	At confluence of Sly Run East Fork	None	*821
			Approximately 125 feet upstream of Little Chicago Road.	None	*830

Maps available for inspection at the City of Noblesville Department of Planning and Development, 16 South Tenth Street, Noblesville, Indiana.
Send comments to The Honorable Dennis Redick, Mayor of the City of Noblesville, 16 South Tenth Street, Noblesville, Indiana 46060.

Indiana	Westfield (Town), Hamilton County.	Cool Creek	Just upstream of East 146th Street	*817	*818
			Just downstream of East 186th Street	None	*870

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Grassy Branch	Approximately 600 feet downstream of Westfield Park Road.	None	*894
			Approximately 0.57 mile upstream of State Route 32.	None	*906
		Kirdendall Creek	Just upstream of Hinkle Road	None	*822
			Just downstream of East 161st Street	None	*832
		Little Eagle Creek	Approximately 1,250 feet downstream of West 146th Street.	None	*865
			Just downstream of Casey Road	None	*977
		North Cool Creek	Just upstream of East 186th Street	None	*870
			Just downstream of intersection of Tomlinson Road and East 191st Street.	None	*892
		Sly Run East Fork	Just upstream of Hinkle Road	None	*866
			Approximately 0.4 mile upstream of Hinkle Road.	None	*872

Maps available for inspection at the Westfield Town Hall, 130 Penn Street, Westfield, Indiana.

Send comments to Mr. Michael McDonald, Westfield Town Council President, 130 Penn Street, Westfield, Indiana 46074.

Maine	Bangor (City), Penobscot County.	Penobscot River	At downstream corporate limits	*15	*16
			At upstream corporate limits	*31	*25
		Penjajawoc Stream	At Mount Hope Avenue	*44	*45
			Approximately 0.35 mile upstream of Stillwater Avenue.	*108	*107
		Kenduskeag Stream	At confluence with Penobscot River	*17	*18
			Approximately 0.64 mile upstream of confluence with Penobscot River.	*17	*18

Maps available for inspection at the Bangor City Hall, 73 Harlow Street, Bangor, Maine.

Send comments to Mr. Edward Barrett, Bangor City Manager, 73 Harlow Street, Bangor, Maine 04401.

New Jersey	Summit (City), Union County.	Passaic River	Approximately 200 feet upstream of Old Highway 24/corporate limits.	*181	*180
			Approximately 0.62 mile (3,250 feet) upstream of Stanley Avenue.	*206	*207

Maps available for inspection at the Summit City Hall, 512 Springfield Avenue, Summit, New Jersey.

Send comments to The Honorable Walter D. Long, Mayor of the City of Summit, Municipal Building, 512 Springfield Avenue, Summit, New Jersey 07901-1702.

New York	Davenport (Town), Delaware County.	Charlotte Creek	At the confluence with the Susquehanna River.	None	*1,101
			At upstream of corporate limits	None	*1,327

Maps available for inspection at the Davenport Town Hall, Route 23, Davenport Center, New York 13751.

Send comments to Mr. Tod Rider, Town of Davenport Supervisor, P.O. Box 88, Davenport Center, New York 13571.

New York	Evans (Town), Erie County.	Reisch Creek	At the confluence with Lake Erie	*579	*580
			A point approximately 180 feet upstream of Revere Drive.	*683	*681
		Lake Erie	Southwest corporate limits along Lake Erie.	*579	*580
			Northeast corporate limits along Lake Erie.	*580	*581

Maps available for inspection at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006-9600.

Send comments to Mr. Robert R. Catalino II, Evans Town Supervisor, EvansTown Hall, 8787 Erie Road, Angola, New York 14006-9600.

New York	Kiryas Joel (Village), Orange County.	Coronet Brook	At the confluence with Tributary No. 25 ...	None	*612
			Approximately 340 feet upstream of Israel Zupnik Drive.	None	*649
		Forest Brook	At the confluence with Tributary No. 25 ...	None	*604
			Approximately 0.45 mile upstream of Schunnemunk Road.	None	*760
		Highland Brook	At the confluence with Tributary No. 25 ...	None	*609
			Approximately 1,470 feet upstream of Bakertown Road.	None	*654
		Palm Brook	Approximately 980 feet downstream of Koznits Road.	None	*677
			Approximately 0.4 mile upstream of an Access Road.	None	*833

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Tributary No. 25	Approximately 600 feet downstream of the confluence of Forest Brook.	None	*601
			Approximately 200 feet upstream of Krolla Drive.	None	*734

Maps available for inspection at the Kiryas Joel Village Hall, 51 Forest Road, Monroe, New York.

Send comments to The Honorable Abraham Weider, Mayor of the Village of Kiryas Joel, P.O. Box 566, 51 Forest Road, Monroe, New York 10950.

New York	Leray (Town), Jefferson County.	Indian River	Approximately 0.43 mile downstream of Joachim Road.	None	*406
			Approximately 1.48 miles upstream of Elm Ridge Road.	None	*413
		West Creek	At its confluence with Indian River	None	*410
			Approximately 1.07 miles upstream of the confluence with Indian River.	None	*410

Maps available for inspection at the Leray Town Hall, 8433 Willow Street, Evans Mills, New York 13637.

Send comments to Mr. Ronald Taylor, Leray Town Supervisor, 8433 Willow Street, Evans Mills, New York 13637.

Ohio	Willoughby Hills (City), Lake County.	Euclid Creek North Tributary.	Approximately 2,800 feet downstream of Bishop Road.	None	*827
			Approximately 4,020 feet upstream of Lamplight Lane.	None	*873
		Euclid Creek South Tributary.	At confluence with Euclid Creek North Tributary.	None	*832
			Approximately 1.1 miles upstream of Bishop Road.	None	*877

Maps available for inspection at the Willoughby Hills City Hall, 35405 Chardon Road, Willoughby Hills, Ohio.

Send comments to The Honorable Mort O'Ryan, Mayor of the City of Willoughby Hills, 35405 Chardon Road, Willoughby Hills, Ohio 44094.

Tennessee	Adamsville (Town), McNairy County.	Beason Creek	Approximately 725 feet downstream of the corporate limits.	None	*452
			Approximately 25 feet upstream of Lynn Street.	None	*494
		Beason Creek Tributary ...	At the confluence with Beason Creek	None	*468
			Approximately 100 feet upstream of South Oak Street.	None	*505
		Snake Creek	Approximately 1,440 feet downstream of State Route 22.	None	*402
			Approximately 600 feet upstream of State Route 22.	None	*402

Maps available for inspection at the Adamsville City Hall, 231 East Main Street, Adamsville, Tennessee.

Send comments to The Honorable Paul Wallace Plunk, Mayor of the Town of Adamsville, P.O. Box 301, Adamsville, Tennessee 38310.

Vermont	Hardwick (Town and Village), Caldonia County.	Lamoille River	Approximately 50 feet downstream of State Route 15W.	*796	*794
			Approximately 175 feet upstream of North Main Street.	*830	*829
		Cooper Brook	At confluence with Lamoille River	*812	*807
			Approximately 785 feet upstream of Elm Street.	*815	*814

Maps available for inspection at the Hardwick Town Hall, 20 Church Street, Hardwick, Vermont.

Send comments to Mr. Daniel P. Hill, Hardwick Town/Village Manager, P.O. Box 523, 20 Church Street, Hardwick, Vermont 05843.

Vermont	Stowe (Town), Lamoille County.	West Branch Little River ...	At confluence Little River	*709	*705
			Approximately 100 feet upstream of State Route 108.	None	*960
		Little River	Approximately 630 feet upstream of Canoe Factory Dam.	*687	*688
		East Branch Little River	At confluence of East Branch Little River	*709	*705
			At confluence with Little Little River	*709	*705
			Approximately 400 feet upstream of Cemetery Road.	*709	*708

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Stowe Town Hall, 67 Main Street,Stowe, Vermont. Send comments to Mr. Richard Marron, Chairman of the Town of Stowe Board of Selectmen, P.O. Box 730, Stowe, Vermont 05672.					
Vermont	Woodstock (Town Village), Windsor County.	Ottawaquechee River	Approximately 550 feet upstream of U.S. Route 4. At the upstream corporate limits	*696 *816	*697 *812
Maps available for inspection at the Town Hall, 31 The Green, Woodstock, Vermont. Send comments to Mr. John Doten, Chairman of the Board of Selectmen, TownHall, P.O. Box 488, Woodstock, Vermont 05091.					
Virginia	Berryville (Town), Clarke County.	Town Run	Approximately 1,220 feet downstream of Springsbury Road (State Route 613). Approximately 80 feet upstream of Lincoln Avenue.	None None	*553 *599
Maps available for inspection at Town of Berryville Office, 23 East Main Street, Berryville, Virginia. Send comments to Mr. Keith Dalton, Town of Berryville Manager, 23 East Main Street, Berryville, Virginia 22611.					

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: July 18, 2001.

Robert F. Shea,

Acting Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 01-18739 Filed 7-26-01; 8:45 am]

BILLING CODE 6718-04-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[WT Docket No. 94-102]

Wireless E911 Compatibility, Public Safety Answering Points; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: The Commission published a document in the **Federal Register** of July 16, 2001. The Commission now corrects the date for reply comments reflected in that document which sought comment on a petition for clarification and/or a declaratory ruling concerning the process by which a Public Safety Answering Point ("PSAP") makes a valid request for Phase II enhanced 911 ("E911") service from a wireless carrier as provided for in the Commission's rules.

DATES: Reply comments for the proposed rule (66 FR 36989) are due August 1, 2001.

FOR FURTHER INFORMATION CONTACT: Patrick Forster, 202-418-1310.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission published a document seeking comment on a petition for clarification and/or a

declaratory ruling regarding E911 Phase II procedures. In the FR Doc. 01-17785 (66 FR 36989, July 16, 2001) in column 3, correct the **DATES** caption to read as follows:

DATES: Comments are due on or before July 25, 2001, and reply comments are due on or before August 1, 2001.

Federal Communications Commission.

Kris Monteith,

Chief, Policy Division, Wireless Telecommunications Bureau.

[FR Doc. 01-18836 Filed 7-26-01; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01-1670, MM Docket Nos. 01-155, 01-156, 01-157, 01-158; RM-10176, RM-10177, RM-10178, RM-10179]

Radio Broadcasting Services; Goliad, Paducah, and Woodson, TX; Paulden, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comment on four petitions for rulemaking. Three filed by Charles Crawford propose the allotments of Channel 282A at Goliad, Texas, Channel 296C3 at Paducah, Texas, and Channel 298A at Woodson, Texas. Channel 282A can be allotted at Goliad in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, 4.6 kilometers (2.9 miles) north of the community at coordinates 28-42-35 NL and 97-23-02 WL. Channel 296C3 can

be allotted at Paducah in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, 0.4 kilometers (0.3 miles) northwest of the community, at coordinates 34-00-59 NL and 100-18-35 WL. Channel 298A can be allotted at Woodson in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, at a site 1.9 kilometers (1.2 miles) southwest of the community at coordinates 33-00-32 NL and 99-04-23 WL. The fourth, filed by Paulden Broadcasting, proposes the allotment of Channel 263C3 at Paulden, Arizona. Channel 263C3 can be allotted at Paulden in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments without a site restriction at coordinates 34-53-00 NL and 112-28-00 WL. Since the Goliad and Paulden proposals are within 320 kilometers (199 miles) of the U.S.-Mexico border, concurrence of the Mexican government to those proposed allotments will be required.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows:

DATES: Comments must be filed on or before September 4, 2001, and reply comments must be filed on or before September 18, 2001.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket Nos. 01-155, 01-156, 01-157, and 01-158,

adopted July 11, 2001, and released July 13, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas is amended to add Channel 282A at Goliad, Paducah, Channel 296C3, and Woodson, Channel 298A.

3. Section 73.202(b), the Table of FM Allotments under Arizona, is amended to add Paulden, Channel 263C3.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01-18348 Filed 7-26-01; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 071601B]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit (EFP)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of a proposal for an EFP to conduct experimental fishing; request for comments.

SUMMARY: The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that an application for an EFP contains

all of the required information and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Northeast Multispecies Fishery Management Plan (FMP), and that the cumulative impacts would be within the scope of earlier analyses on the FMP. However, further review and consultation may be necessary before a final determination is made to issue an EFP. Therefore, NMFS announces that the Regional Administrator proposes to issue an EFP in response to the application that would allow for exemptions of net mesh size and Days-at-Sea (DAS) requirements of the FMP in order to compare the selectivity of a standard commercial trawl net with that of a trawl net with a finfish excluder device. The objective is to develop a trawl with a reduced bycatch of regulated multispecies.

DATES: Comments must be received on or before August 13, 2001.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on EFP Proposal." Comments may also be sent via facsimile (fax) to (978) 281-9135.

FOR FURTHER INFORMATION CONTACT:

Walter J. Gardiner, Fishery Management Specialist, (978) 281-9326.

SUPPLEMENTARY INFORMATION: The University of New Hampshire (UNH) submitted an application for an EFP on June 1, 2001. The EFP would allow the applicant to perform gear research in order to develop a trawl design that would reduce the bycatch of regulated multispecies, particularly Atlantic cod and juvenile flatfish.

This proposal builds upon previous research and intends to develop flatfish trawl designs based upon the different catch selectivities of gear for flatfish and roundfish (as a result of their different body shapes and behaviors) A component of the experiment will include video recording of the gear performance under tow to assess gear interactions with fish and habitat.

The experiment would occur within a portion of the Gulf of Maine/Georges Bank Regulated Mesh Area (GOM/GB RMA), well within the Northern Shrimp Small Mesh Exemption Area -- specifically, the Bank Comfort area and the Jordan Basin, which is approximately north of 43°40' N. lat. and between 67°30' and 68°30' W. long. The experimental fishing area would not include any closed areas during the

time of the research (August 15 through October 15, 2001).

The experiment proposes to compare the following two trawl net configurations: (1) Standard diamond and square codend mesh sizes, which will be the control; and (2) standard net with two grated grid finfish excluder devices. The first grate is angled at 25 degrees and has horizontal bar spacings of 50 mm or 2 inches; the second grate, angled at 65 degrees, has vertical bar spacings of 90 mm or 3.5 inches and is designed to allow for the escape of Atlantic cod. Both grated grids will be covered with a small mesh bag to determine the effectiveness of the bycatch reduction devices.

The project would last for 2 years. Project participants would: (1) Design a double grid system based on differences in the behavior and shape between roundfish and flatfish; (2) test the design in a flume tank to verify design specifications and operational parameters; (3) build a prototype net with the selectivity device and test it in the sea using the standard (commercial) flatfish trawl as a control; (4) after the first year of sea trials, modify the grid based on the results; and (5) organize a Northwest Atlantic groundfish selectivity workshop to communicate the results from this project.

The sea trials would require between 152 and 168 hours of towing during the testing phase of the initial gear: 7 days of towing with two or three 2-hour tows per day per trip (four trips total). Projected landings from the trawls are expected to be 400 to 500 lb (181.44 to 226.8 kg) per day of Atlantic cod, flounder, monkfish, hake, pollock, and haddock combined; the total catch is estimated to be between 11,000 lb. (4,989.5 kg) and 14,000 lb. (6350.3 kg). These catch levels are approximately the same as the possession/landing limits for vessels fishing within the GOM/GB RMA. Thus, the experimental gear trials are expected to have very little incremental impact on the fishery resources. The vessel would be allowed to retain Atlantic cod, flounder, haddock, monkfish, hake, and pollock for commercial sale, up to the applicable Federal landing limits during the sea trial testing phase.

During the sea trial trips, UNH would have an observer on board and the catch (retained in the external bag and codend) would be measured according to standard fish sampling methodology and recorded for use by UNH personnel. Any sub-legal sized fish would be processed by the UNH observer (e.g., measured) and returned immediately to the water.

The applicant intends that the results of this gear work will be the basis for a gear modification request to the New England Fishery Management Council for use in the Northeast Multispecies fishery.

An EFP would be issued to exempt one vessel from the DAS requirements and gear restrictions of the FMP found at 50 CFR part 648, subpart F.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs. Based on the results of this EFP, this action may lead to future rulemaking.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 20, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 01-18699 Filed 7-26-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 071701D]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), has determined that an application for EFPs contains all of the required information and warrants further consideration. The Regional Administrator is considering the impacts of the activities to be authorized under the EFPs with respect to the Northeast Multispecies Fishery Management Plan (Multispecies FMP) and the Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks (Highly Migratory Species (HMS) FMP). However, further review and consultation may be necessary before a final determination is made to issue EFPs. Therefore, NMFS announces that the Regional Administrator proposes to issue EFPs in response to an application

submitted by the East Coast Tuna Association that would allow five purse seine vessels to fish for giant Atlantic bluefin tuna (*Thunnus thynnus*) in Northeast Multispecies year-round Closed Area I, where use of purse seine gear is currently prohibited for the remainder of 2001. The purpose of the study is to collect information regarding bycatch of and interactions of purse seine gear with groundfish species, other species, and marine mammals, and to record contact with the ocean bottom or with any Essential Fish Habitat (EFH). The results of this EFP would allow NMFS and the New England Fishery Management Council (Council) to evaluate the feasibility of allowing purse seine gear in Closed Area I as an exempted gear on a permanent basis.

DATES: Comments on this action must be received at the appropriate address or fax number (see **ADDRESSES**) on or before August 13, 2001.

ADDRESSES: Written comments should be sent to Patricia Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on EFP Proposal." Comments may also be sent via fax to (978) 281-9135. Comments will not be accepted if submitted via e-mail or the Internet.

Copies of the Environmental Assessment and the Regulatory Impact Review (EA/RIR) are available from the Northeast Regional Office at the same address.

FOR FURTHER INFORMATION CONTACT: Allison Ferreira, Fishery Policy Analyst, phone: 978-281-9103, fax: 978-281-9135, email: allison.ferreira@noaa.gov

SUPPLEMENTARY INFORMATION:

Background

The Georges Bank and Southern New England (GB/SNE) multispecies year-round closed areas were established under the Multispecies FMP to provide protection to concentrations of regulated multispecies, particularly for cod, haddock, and yellowtail flounder. Consequently, all fishing in these year-round closed areas was prohibited, with a few exceptions. The only exceptions allowing access to the closed areas were fishing activities known to have a very low incidence of multispecies bycatch. For example, pelagic midwater trawl gear was determined to have a negligible catch of regulated multispecies because the gear fishes well off the ocean floor. As a result, it is an allowed gear in the GB/SNE multispecies closed areas.

Purse seine gear is typically used to target pelagic species such as herring,

mackerel, and tuna that are concentrated at or near the surface of the ocean. This type of gear is not designed or intended to fish for species at or near the ocean floor, and is typically considered to have very little interaction with the bottom dwelling species, such as groundfish. Observer data from the 1996 tuna purse seine fishery, the last year the fishery carried full-time observers, documented a small catch of regulated groundfish, other demersal species, and bottom debris (i.e., sponges and empty shells) in 20 out of 39 observed sets. Out of these 20 sets, only 4 occurred inside Closed Area I, in depths ranging from 28 to 35 fm. In 2000, EFPs were issued to four purse seine vessels to collect information on the interaction between purse seine gear and demersal species and their habitat, particularly in Closed Area I. Data from the five observed trips in Closed Area I from the 2000 tuna purse seine experimental fishery did not show any bycatch of demersal species. These sets occurred in depths ranging from 55 fm to 86 fm. Due to the lingering questions concerning the degree of interactions between purse seine gear used in this fishery and the sea floor, and its interactions with regulated groundfish species, a second experimental fishery has been requested. The Council is considering an exemption for tuna purse seine gear within all groundfish closed areas as part of Framework Adjustment 36 to the Multispecies FMP. Information collected through this experimental fishery would be used in development of Framework Adjustment 36.

Proposed EFP

The proposed EFP would exempt purse seine vessels fishing for giant Atlantic bluefin tuna under 50 CFR part 635 from the gear restrictions of Closed Area I, as described at 50 CFR 648.81(a). Similar to the 2000 purse seine experimental fishery in Closed Area I, no more than five vessels would be authorized to participate. The experimental fishery would begin on August 15, 2001, and continue until the five vessels have achieved their individual fishing quotas, or the end of the calendar year, whichever occurs first. Although these individual quotas may be taken through the end of the fishing year (December 31), they are typically taken by the middle of October. Because the bluefin tuna fishery takes place throughout the waters off New England, and the concentrations of fish often move between areas, it is likely that the fishery would take place within Closed Area I for only a few weeks.

NMFS-certified observers would be required on all trips into Closed Area I. These observers would document the catch of all species, interactions between the net and the bottom, and any incidental take of marine mammals and protected species. After any sampling requested by an observer, all multispecies would be required to be discarded.

An EA was prepared to analyze the impacts of the experimental fishery on the human environment. The EA has preliminarily concluded that the activities that would be conducted under the EFP are consistent with the goals and objectives of the Multispecies FMP, and are consistent with the HMS FMP. The EA also considers the impacts of the EFP activities on EFH and protected species.

EFPs would be issued to the five participating vessels to exempt them from the restrictions of Closed Area I of the Multispecies FMP.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs. Based on the outcome of this EFP, this action may lead to future rulemaking.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 23, 2001.

Dean Swanson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 01-18833 Filed 7-26-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 010712174-1174-01; I.D. 062701D]

RIN 0648-AP36

Eligibility Criteria and Definitions for the Western Pacific Community Development Program and Western Pacific Demonstration Projects

AGENCY: Western Pacific Fisheries Management Council (Council), National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; Request for comments.

SUMMARY: NMFS proposes criteria developed by the Council to determine

what communities will be eligible to participate in western Pacific community development programs to be established by the Council and the Secretary of Commerce (Secretary) for fisheries under the Council's jurisdiction in order to promote access to such fisheries by western Pacific communities and to apply for and receive grants for related demonstration projects. NMFS also proposes definitions, developed with the Council, for certain terms appearing in section 305(i)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the section authorizing the Council and the Secretary to establish such programs, and in the criteria developed by the Council. NMFS is proposing these criteria and definitions so that it may have the benefit of public comment before deciding whether to approve the criteria and adopt the definitions. The intent of this proposal is to implement section 305(i)(2) so that appropriate programs may be established in the future.

DATES: Comments on this proposed rule must be received before 5 p.m. Eastern Daylight Savings Time on August 27, 2001. Faxed comments received before the deadline will be accepted provided the signed original is received for the record by September 5, 2001.

ADDRESSES: Written comments on this proposed rule must be sent to Robert Ziobro, Western Pacific Project - F, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, or faxed to 301-713-2258. Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Robert C. Ziobro at 301-713-2239 or by facsimile at 301-713-2258.

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is available through the NMFS Pacific Island Area Office Home Page at: <http://swr.nmfs.noaa.gov/piao/index.htm> and the Western Pacific Council Home Page at: <http://www.wpcouncil.org>.

I. Background

Under the authority of section 305(i)(2) of the Magnuson-Stevens Act, 16 U.S.C. 1855(i)(2), the Council and the Secretary may establish western Pacific community development programs for any fishery under the authority of the Council in order to provide access to such fishery for western Pacific communities. Section 305(i)(2)(B) specifies that in order to be eligible to participate in western Pacific

community development programs, a community must:

1. Be located within the Western Pacific Regional Fishery Management Area;

2. Meet criteria developed by the Council, approved by the Secretary and published in the **Federal Register**;

3. Consist of community residents who are descended from the aboriginal people indigenous to the area who conducted commercial or subsistence fishing using traditional fishing practices in the waters of the Western Pacific region;

4. Not have previously developed harvesting or processing capability sufficient to support substantial participation in fisheries in the Western Pacific Regional Fishery Management Area; and

5. Develop and submit a Community Development Plan to the Council and the Secretary.

Section 305(i)(2)(D) defines the Western Pacific Regional Fishery Management Area as the area under the jurisdiction of the Council or an island within such area.

Under section 305 note of the Magnuson-Stevens Act (Section 111(b) of the Sustainable Fisheries Act, Public Law 104-297) western Pacific communities eligible to participate in western Pacific community development programs are eligible to apply for and receive grants for related demonstration projects. To be eligible for funding, a project must foster and promote the use of traditional indigenous fishing practices of western Pacific communities found on American Samoa, Guam, Hawaii or the Northern Mariana Islands. A project must also identify and apply traditional indigenous fishing practices, develop or enhance western Pacific community-based fishing opportunities, and involve research, community education, or the acquisition of materials and equipment necessary to carry out any such demonstration project.

NMFS is developing the grants application process by which communities may apply for grants to fund projects. This process will be announced in a subsequent **Federal Register** document; that notification will also solicit proposals for project grants.

The Council has developed criteria to determine what communities are eligible to participate in western Pacific community development programs and NMFS and the Council have developed definitions for certain terms appearing in section 305(i)(2) of the Magnuson-Stevens Act and the criteria.

II. Eligibility Criteria and Proposed Definitions

A. Eligibility Criteria

The following criteria have been recommended by the Council. They incorporate all of the eligibility criteria set forth in section 305(i)(2)(B).

1. Be located in American Samoa, the Northern Mariana Islands, Guam or Hawaii (Western Pacific Area);

2. Consist of community residents descended from aboriginal people indigenous to the western Pacific area who conducted commercial or subsistence fishing using traditional fishing practices in the waters of the western Pacific;

3. Consist of community residents who reside in their ancestral homeland;

4. Have knowledge of customary practices relevant to fisheries of the western Pacific;

5. Have a traditional dependence on fisheries of the western Pacific;

6. Experience economic or other barriers that have prevented full participation in the western Pacific fisheries and, in recent years, have not had harvesting, processing or marketing capability sufficient to support substantial participation in fisheries in the area; and

7. Develop and submit a Community Development Plan to the Western Pacific Council and the National Marine Fisheries Service.

Because the Council's recommended criteria incorporate all of the criteria specified in section 205(i)(2)(B) any community meeting the Council's

recommended criteria would be eligible would be eligible to participate in a western Pacific community development program.

B. Definitions

For purposes of section 305(i)(2) of the Magnuson-Stevens Act and the Council's recommended eligibility criteria, the following definitions developed by NMFS and the Council would apply:

Community means a population of non-transient people descended from the aboriginal people indigenous to the area who share a common history based on social, cultural and economic interactions and a functional relationship sustained by participation in fishing and fishing related activities.

Economic barriers means barriers which add to the difficulty and cost of participation in a fishery by descendants of the aboriginal people of each area. They include, but are not limited to, the degradation of marine habitat, localized depletion of harvested stocks, and loss of access to long-fished grounds because of closure and/or lack of access to capital and expertise to compete for marine resources.

Subsistence fishing means harvesting of marine resources for personal, family or community use or for gifts of food to extended family members and friends that perpetuate community relationships and identities.

Traditional fishing practices and traditional indigenous fishing practices means methods of fishing and fishery utilization developed from aboriginal

customary and traditional uses and practices that can be conducted within existing regulations.

The cultural and social framework relevant to the fishery means, for each community, the accumulation and perpetuation of ancestral knowledge and participation that have resulted from historical dependence on marine resources as a principal source of food for the aboriginal people indigenous to the area.

Classification

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposed action is anticipated to lead to economic and social benefits for qualifying communities. The proposed action will allow the distribution of funds through direct grants to eligible communities to establish demonstration projects. It is anticipated that the economic and social benefits of approved projects will outweigh their associated costs.

Dated: July 24, 2001.

William T. Hogarth,
Acting, Assistant Administrator for Fisheries,
National Marine Fisheries Service.

[FR Doc. 01-18830 Filed 7-26-01; 8:45 am]

BILLING CODE 3510-22-S

Notices

Federal Register

Vol. 66, No. 145

Friday, July 27, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collections Being Reviewed by the U.S. Agency for International Development; Comments Requested

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) Whether the proposed or continuing collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Submit comments on or before September 25, 2001.

FOR FURTHER INFORMATION CONTACT: Beverly Johnson, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Room 2.07-106, RRB, Washington, DC, 20523, (202) 712-1365 or via e-mail bjohnson@usaid.gov.

SUPPLEMENTARY INFORMATION:

OMB No: OMB 0412-.

Form No.: AID 1558-3.

Title: Financial Report of All Expenditures (FRAE).

Type of Review: New Information Collection.

Purpose: The purpose of this information collection is to collect data

on liquidated cost sharing funds on a quarterly basis and to assure that recipients abide by agreed conditions of the award. This collection is needed to assure that grant recipients participate in negotiated USAID/BHR/ASHA grant financed projects by providing additional funds from sources other than U.S. federal monies.

Annual Reporting Burden

Respondents: 196.

Total annual responses: 380.

Total annual hours requested: 380 hours.

Dated: July 13, 2001.

Joanne Paskar,

Chief, Information and Records Division,
Office of Administrative Services, Bureau for Management.

[FR Doc. 01-18786 Filed 7-26-01; 8:45 am]

BILLING CODE 6116-01-M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collection Requirements Submitted to OMB for Review

SUMMARY: U.S. Agency for International Development (USAID) has submitted the following information collections to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for USAID, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503. Copies of submission may be obtained by calling (202) 712-1365.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 0412-0520.

Form Number: AID 1420-17.

Title: Contractor Employee Biographical Data Sheet.

Type of Submission: Renewal of Information Collection.

Purpose: USAID is authorized to make contracts with any corporation, international organization, or other body of persons in or outside of the United States in furtherance of the purposes and within limitations of the Foreign Assistance Act (FAA). The information collections requirements placed on the public are published in 48 CFR chapter

7, and include such items as the contractor Employee Biographical Data sheet and Performance and Progress Reports (AIDAR 752.7026). These are all USAID unique procurement requirements. The pre-award requirements are based on a need for prudent management in the determination that an offeror either has or can obtain the ability to competently manage development assistance programs utilizing public funds. The requirements for information collection requirements during the post-award period are based on the need to administer public funds prudently.

Annual Reporting Burden

Respondents: 3,679.

Total annual responses: 51,605.

Total annual hours requested: 73,855 hours.

Dated: July 13, 2001.

Joanne Paskar,

Chief, Information and Records Division,
Office of Administrative Services, Bureau for Management.

[FR Doc. 01-18787 Filed 7-26-01; 8:45 am]

BILLING CODE 6116-01-M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collection Requirements Submitted to OMB for Review

SUMMARY: U.S. Agency for International Development (USAID) has submitted the following information collection to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk officer for USAID, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503. Copies of the information collection and supporting documents may be obtained by calling (202) 712-1365.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 0412-0542.

Form Number: AID 1558-2.

Title: Request for Advance or Reimbursement.

Type of Submission: Renewal of Information Collection.

Purpose: The purpose of this information collection is to assure that American Schools and Hospitals Abroad (ASHA) grant recipients are permitted to obtain advances or reimbursements for expenditures that are authorized by the grant agreement. The information is used by (a) ASHA to monitor grant implementation relative to financial matters, (b) the office of Financial Management (FM) to track disbursements and expenditures, and (c) the Department of the Treasury to effect payments.

Annual Reporting Burden

Respondents: 70.
Total annual response: 400.
Total annual hours requested: 17,866 hours.

Dated: July 13, 2001.

Joanne Paskar,

*Chief, Information and Records Division,
 Office of Administrative Services, Bureau for
 Management.*

[FR Doc. 01-18788 Filed 7-26-01; 8:45 am]

BILLING CODE 6116-01-M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collection Requirements Submitted to OMB for Review

SUMMARY: U.S. Agency for International Development (USAID) has submitted the following information collection to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for USAID, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503. Copies of the information collection and supporting documents may be obtained by calling (202) 712-1365.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 0412-0543.
Form Number: AID 1558-1 and AID 1558-1A.

Title: Financial Status Report (Form 268 and 269 Worksheet).

Type of Submission: Renewal of Information Collection.

Purpose: The purpose of this information collection is to assure that ASHA grant recipients are accountable for expenditures incurred under the grant agreement for only those items authorized by the agreement. The information is used by ASHA to monitor the expenditures under each authorized

line item and calculate the monetary gain or loss realized during the life of the grant.

Annual Reporting Burden:

Respondents: 70.

Total annual response: 400.

Total annual hours requested: 50,296 hours.

Dated: July 13, 2001.

Joanne Paskar,

*Chief, Information and Records Division,
 Office of Administrative Services Bureau for
 Management.*

[FR Doc. 01-18789 Filed 7-26-01; 8:45 am]

BILLING CODE 6116-01-M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collection Requirements Submitted to OMB for Review

SUMMARY: U.S. Agency for International Development (USAID) has submitted the following information collection to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for USAID, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington DC 20503. Copies of submission may be obtained by calling (202) 712-1365.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 0412-0554.

Form Number: None.

Title: Training Results and Information Network (TraiNet).

Type of Submission: Renewal of Information Collection.

Purpose: The purpose of this information collection is to enable the planning and reporting of information on all USAID training activities, including in-country training. Data collected by USAID and/or its partners via TraiNet includes measures of results and performance monitoring, training participant and program identification, and costs and cost-sharing.

Annual Reporting Burden

Respondents: 374.

Total annual responses: 15,720.

Total annual hours requested: 2,620 hours.

Dated: July 19, 2001.

Joanne Paskar,

*Chief, Information and Records Division,
 Office of Administrative Services, Bureau for
 Management.*

[FR Doc. 01-18790 Filed 7-26-01; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 98-085-6]

Aquaculture; Public Meetings

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meetings.

SUMMARY: We are issuing this notice to inform the aquaculture industries, interested parties, and the general public that three public meetings will be held to discuss how and to what extent the Animal and Plant Health Inspection Service should regulate aquatic species and to discuss any other issues concerning possible regulation of aquaculture by the Agency.

DATES: The public meetings will be held on Wednesday, September 19, 2001, from 3:30 p.m. to 6 p.m.; on Tuesday, October 9, 2001, from 9 a.m. to noon; and on Wednesday, October 10, 2001, from 2:30 p.m. to 5 p.m.

ADDRESSES: The public meeting on September 19, 2001, will be held in the Harbor Room of the Silverdale Hotel on the Bay, 3073 NW Bucklin Hill Road, Silverdale, WA, in conjunction with the joint meeting of the Pacific Coast Shellfish Growers Association and the National Shellfish Association/Pacific Coast Section Conference.

The public meeting on October 9, 2001, will be held in the Pennsylvania Farm Show Complex Building, 2301 North Cameron Street, Harrisburg, PA, in conjunction with the fall meeting of the Pennsylvania Aquaculture Advisory Committee and the annual meeting of the Pennsylvania Aquaculture Association.

The public meeting on October 10, 2001, will be held in the Main Building Meeting Room of the Mississippi Agricultural and Forestry Museum, 1150 Lakeland Drive, Jackson, MS, in conjunction with the annual Board meeting of the Catfish Farmers of America.

FOR FURTHER INFORMATION CONTACT: For information about APHIS public meetings, contact Dr. Otis Miller, Jr., National Aquaculture Coordinator, Center for Planning, Certification, and

Monitoring, VS, APHIS, 4700 River Road Unit 46, Riverdale, MD 20737–1231, (301) 734–6188.

For information regarding the joint meeting of the Pacific Coast Shellfish Growers Association and the National Shellfish Association/Pacific Coast Section Conference, call Mr. Bill Dewey, Public Affairs and Project Manager for Taylor Shellfish Company, Inc., (360) 887–2699.

For information regarding the joint meeting of the Pennsylvania Aquaculture Advisory Committee and the Pennsylvania Aquaculture Association, call Mr. Leo Dunn, Pennsylvania Aquaculture Coordinator, (717) 783–8462.

For information regarding the annual meeting of the Catfish Farmers of America, call Mr. Hugh Warren, Executive Vice-President, Catfish Farmers of America, (662) 887–2699.

SUPPLEMENTARY INFORMATION: On May 4, 1999, the Animal and Plant Health Inspection Service (APHIS) published an advance notice of proposed rulemaking (ANPR) titled “Aquaculture: Farm-Raised Fin Fish” in the **Federal Register** (64 FR 23795–23796, Docket No. 98–085–1). We published this ANPR after receiving petitions¹ asking us to regulate aquaculture in various ways. Many petitioners asked us to define farmed aquatic animals as livestock. In general, the petitioners seemed to be interested in receiving the same services that domestic producers of livestock receive for animals moving in interstate and foreign commerce. However, based on the petitions alone, it was difficult for us to determine what segments of the industry want services and exactly what services they want. It was also difficult to determine the objectives sought by the petitioners who were requesting Federal regulation. We published the ANPR in an attempt to clarify the industry’s needs, the nature of the services sought, and the concerns the petitioners had with regard to such regulations.

We received 55 comments² in response to the ANPR. A majority of the

commenters supported the idea of APHIS regulation of cultured fin fish. Unfortunately, the commenters generally did not clearly distinguish between fin fish raised for food and ornamental fin fish. Commenters who wanted regulation were, however, very clear that they want programs to prevent and control disease and to support increased commerce, both domestic and export.

The commenters also suggested that any rulemaking initiated by APHIS be a negotiated rulemaking. In negotiated rulemaking, industry representatives and other interested persons meet with APHIS officials and draft proposed regulations together. The proposed regulations are then published for public comment. Negotiated rulemaking is designed to ensure that all interested persons are involved together from the start in the development of regulations.

Unfortunately, negotiated rulemaking is not suitable for all situations. It works well when there is a small number of interested parties and the parties are easy to identify. This is not the case with aquaculture. Because the aquaculture industry is large and diverse, we would have difficulty identifying everyone who should be represented in a negotiated rulemaking. In addition, many parties outside aquaculture would have a substantial interest in such a rulemaking. In our view, the number of people who would need to participate in a negotiated rulemaking would be too large and would suggest that negotiated rulemaking is not appropriate. Furthermore, a negotiated rulemaking would be expensive, and APHIS does not have adequate funds. Therefore, we have concluded that it would not be appropriate to pursue an aquaculture negotiated rulemaking.

However, we have not decided whether to pursue aquaculture rulemaking by other means. Before we make that decision, we want to have as much information as possible from all interested persons, and we want to provide you with as much opportunity as possible to discuss with us and inform us regarding the relevant issues.

Therefore, we are holding a series of public meetings. Public meetings allow all interested parties—industry representatives, producers, consumers, and others—to present their views and to exchange information among themselves and with APHIS.

There are no set agendas for the meetings. Any issues and concerns

related to aquaculture and possible APHIS regulatory action can be discussed. However, we would like more information on three specific issues. These are issues that the people and organizations who commented on our ANPR either did not address or were unclear about. Specifically, if APHIS does propose regulations: (1) Should our program be mandatory or voluntary; (2) should we cover shell fish; and (3) should we cover ornamental fin fish?

Information elicited at the meetings could result in a new APHIS regulatory program or in changes to aquaculture-related services currently provided by APHIS.

We have scheduled public meetings on Wednesday, September 19, 2001, in Silverdale, WA; on Tuesday, October 9, 2001, in Harrisburg, PA; and on Wednesday, October 10, 2001, in Jackson, MS.

If you wish to speak at any of the meetings, please register in advance by calling the Regulatory Analysis and Development voice mail at (301) 734–4339. Leave a message with your name, telephone number, organization, if any, the date(s) and location(s) of the meeting(s) you will be attending, and an estimate of the time you need to speak. On the day of each meeting, you may also register to speak during the specified registration time scheduled before each meeting begins.

On-site registration for each meeting will take place outside the meeting rooms one half hour before the meetings begin. The scheduled dates and times for each meeting are listed under **DATES**. We may end a meeting early if all the registered speakers have had a chance to speak and if no one else wants to speak. We may also extend a meeting or limit the time allowed for each speaker, if necessary, so all interested persons have an opportunity to participate.

An APHIS representative will preside at all of the meetings. The meetings will be recorded. We encourage speakers to present written statements, though it is not required. If you choose to present a written statement, please provide the chairperson with a copy. The complete record of each meeting, including the transcript and all written comments, will be available to the public.

These meetings are part of a series of public meetings. The first public meeting was held on January 25, 2001, in Lake Buena Vista, FL. The second public meeting was held on February 16, 2001, in Hebron, KY. The third public meeting was held on April 5, 2001, in Machias, ME, and the fourth public meeting was held on June 8, 2001, in Twin Falls, ID. Shortly, we

¹ All the petitions and comments we received are a part of the rulemaking record for Docket No. 98–085–1. You may read the petitions and comments in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

² All the petitions and comments we received are a part of the rulemaking record for Docket No. 98–085–1. You may read the petitions and comments in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington,

DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

plan to announce an additional public meeting in Arkansas, which is tentatively scheduled for Thursday, October 4, 2001. We will publish a notice in the **Federal Register** announcing the date, time, and location of this meeting.

Done in Washington, DC, this 23rd day of July 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01-18781 Filed 7-26-01; 8:45 am]

BILLING CODE 3410-34-U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01-061-1]

International Plant Protection Convention Standard on the Plant Pest Risks Associated With Living Modified Organisms; Public Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: We are giving notice of a public meeting to solicit comments on the development of an international standard concerning the plant pest risks associated with living modified organisms.

DATES: The public meeting will be held on August 23, 2001, from 10 a.m. to noon.

ADDRESSES: The public meeting will be held at the USDA Center at Riverside, 4700 River Road, Riverdale, MD, in Training Rooms 1 and 2.

FOR FURTHER INFORMATION CONTACT: Dr. Cathleen Enright, Director, Biotechnology Issues, PIM, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737-1236; (301) 734-5342. For further information on APHIS' participation in international standard-setting activities, contact Mr. Nancy Klag, Manager, International Standards Management, PIM, PPQ, APHIS, 4700 Riverdale Road Unit 140, River, MD 20737-1236; (301) 734-8469.

SUPPLEMENTARY INFORMATION: The International Plant Protection Convention (IPPC) is recognized as the standard-setting body for international plant pest issues by the World Trade Organization. In April 2001, the IPPC's Interim Commission on Phytosanitary Measures (ICPM) recommended that an international standard be completed by April 2004 to address the plant pest risks associated with living modified

organisms (LMOs). At that time, the ICPM established an expert working group to develop detailed specifications for an LMO standard. The expert working group is expected to meet September 10-14, 2001.

The decision to develop an international standard was the result of requests from IPPC member countries for guidance from the IPPC on evaluating LMOs as plant pests, and the subsequent recommendations made in June 2000 by a meeting of an IPPC working group charged with considering this issue. The need for a standard was further discussed at a public meeting held by the Animal and Plant Health Inspection Service (APHIS) on March 8, 2001 (see 66 FR 10874, Docket No. 01-012-1, published February 20, 2001). The transcript of the March 8 meeting is available on the Internet at <http://www.aphis.usda.gov/ppq/pim/standards/lmos.pdf>.

The April 2001 meeting of the ICPM also produced terms of reference for the expert working group to use in developing detailed specifications for a standard on the plant pest risks associated with LMOs. The expert working group will develop a detailed standard specification for consideration at the ICPM4 meeting, to be held March 2002, that:

1. Identifies the plant pest risks associated with LMOs/products of modern biotechnology;
2. Identifies elements relevant to the assessment of these plant pest risks;
3. Considers existing international regulatory frameworks and guidelines;
4. Identifies areas within pest risk analysis standards and other international standards for phytosanitary measures (ISPMs) that are relevant to the phytosanitary aspects of LMOs/products of modern biotechnology; and
5. Identifies the plant pest risks associated with LMOs/products of modern biotechnology that are not adequately addressed by existing ISPMs.

The entire report from the April meeting is available on the Internet at <http://www.fao.org/waicent/faoinfo/agricult/agp/agpp/pq/>.

We are holding this public meeting to solicit comments on the development of specifications for the LMO standard.

This public meeting is scheduled for Thursday, August 23, 2001. The public meeting will begin at 10 a.m. and is scheduled to end at noon. Those wishing to speak at the meeting must register in advance on or before Monday, August 20, 2001. To register to speak, please e-mail Dr. Cathleen Enright at cathleen.a.enright@aphis.usda.gov or

send a fax to Dr. Cathleen Enright at (301) 734-7639. Registrants should include their name, affiliation, address, and telephone number. Speakers are welcome, but not required, to submit written copies of their comments by e-mail to the address listed above. Depending on the number of registered speakers, limits may be imposed on the length of each speaker's presentation. The meeting will be recorded, and information about obtaining a transcript will be provided at the meeting.

Participation by teleconference will be available. Those wishing to participate by phone should contact Dr. Cathleen Enright for phone-in information at the e-mail address listed above by Friday, August 17, 2001. Finally, in lieu of attending the public meeting, interested persons may submit comments by mail or e-mail directly to Dr. Cathleen Enright at the addresses listed above.

If you require special accommodations, such as a sign language interpreter, please contact either of the persons listed under **FOR FURTHER INFORMATION CONTACT**.

Parking and Security Procedures

Please note that a fee of \$2 is required to enter the parking lot at the USDA Center at Riverside. The machine accepts \$1 bills or quarters.

Upon entering the building, visitors should inform security personnel that they are attending the Living Modified Organisms public meeting. Identification is required. Security personnel will direct visitors to the registration tables located outside of Training Rooms 1 and 2. Registration upon arrival is necessary for all participants, including those who have registered in advance to speak. Visitor badges must be worn throughout the day.

Further information regarding the meeting and registration instructions may be obtained from either of the persons listed under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 24th day of July 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01-18780 Filed 7-26-01; 8:45 am]

BILLING CODE 3410-34-U

DEPARTMENT OF AGRICULTURE**Commodity Credit Corporation****Notice of Request for Extension and Revision of a Currently Approved Information Collection**

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Commodity Credit Corporation (CCC) to request an extension for and revision to a currently-approved information collection for the Non-recourse Cotton Loan Program. This notice requests comments on proposed revisions to CCC-605, Designation of Agent—Cotton. The primary revision being proposed would provide producers the option of authorizing the Commodity Credit Corporation to use an electronic record of the producer's designation of an agent. Other format revisions to the CCC-605 are also proposed. The information collected is used to support the operation of the marketing assistance loan programs for cotton under authority of the Commodity Credit Corporation Charter Act (15 U.S.C. 714 *et seq.*) and the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7201 *et seq.*)

DATES: Comments on this notice must be received on or before September 25, 2001 to be assured consideration.

FOR FURTHER INFORMATION CONTACT: Gene S. Rosera, USDA/Farm Service Agency, 1400 Independence Avenue, SW., STOP 0512; Washington, DC 20250-0512, telephone number (202) 720-8481. Comments may also be submitted by e-mail to: gene_rosera@wdc.fsa.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Non-recourse Cotton Loan Program.

OMB Control Number: 0560-0074.

Expiration Date of Approval: October 31, 2002.

Type of Request: Extension and revision to a currently approved information collection.

Abstract: On behalf of CCC, the Farm Service Agency (FSA) has developed an Internet-based process (referred to as Centralized Certificate Redemption (CCR)) that will allow agents designated and approved by cotton producers to obtain and exchange commodity certificates for cotton loan collateral. Cotton producers commonly authorize entities engaged in the marketing of cotton to repay cotton loan obligations

or obtain and exchange commodity certificates for cotton loan collateral at county FSA offices. The CCR will allow these approved entities to conduct these loan settlement functions online and ultimately obtain loan collateral without physically presenting paper documents and payments at multiple county FSA offices.

Cotton producers currently designate and approve agents for these loan functions using CCC-605, Designation of Agent—Cotton. The CCC-605 is also frequently used by the producer's agent to transfer their repayment authority to a subsequent agent. This form additionally identifies the loan to which the agent-designation applies, the quantity of the loan collateral applicable to the agent-designation, the number of bales, and other loan information.

For loan collateral redemptions, the agent or subsequent agent presents the CCC-605, the list of bales to be redeemed from loan, and payment at the county FSA office that "holds" the cotton warehouse receipts or electronic warehouse receipts. Based on receipt of these documents, CCC accepts repayment of the loan and releases the loan collateral to the agent designated by the producer. This same process is followed when the producer's agent requests to exchange commodity certificates for the loan collateral. For such exchanges, the agent additionally signs a statement acknowledging receipt of the commodity certificate and its exchange for loan collateral valued at the marketing loan repayment rate.

When the CCR process becomes fully operational, producers will be offered the option of authorizing CCC to accept certificate exchanges for their loan collateral from the agent identified on the electronic warehouse receipt (EWR) for the cotton. (This option is not being offered at this time for loan redemptions with cash.) This field of information on the EWR is referred to as the Electronic Agent Designation (EAD). However, for CCC to accept certificate redemptions from the agent identified on the EWR, the producer will need to authorize CCC to use such electronic records. This authorization will be required to protect both the producer and CCC from any liability arising from CCC's use of such records. Under the CCR process, the CCC-605 form will not be required to be returned to the county FSA office in order to establish the CCR as a totally on-line process. The EAD will be entered onto the EWR by the EWR Provider based on procedures acceptable to the cotton producer, the producer's designated agent, and the EWR Provider. The establishment of the EAD and the use of the CCR process are

entirely optional and producers will continue to have the option of requiring repayment or certificate exchanges at the county FSA office.

CCC will request approval of a revised CCC-605, Designation of Agent—Cotton that would contain the following parts. Parts A, B, C, F, and G to the revised CCC-605 would provide functions that are new to the CCC-605. Part A would identify the contact producer authorizing CCC to use an EAD. This part would additionally identify the loan or loans for which the authorization is established by loan number, maturity date and farm number. The producer would have the option of providing authorization for CCC to use the EAD for all loans of a specific crop year. Part B would contain the definitions and terms of the authorization for CCC to use the EAD. Part C of the form would provide for the signatures and dates of signatures for all producers providing CCC authorization to use the EAD. Part D would provide the terms under which the producer authorizes an agent or, if applicable, the subsequent agent to redeem all or a portion of the cotton pledged as collateral for the identified loans. The terms of agent designation in Part D will not be revised from those currently provided by CCC-605 (version dated 10-13-00) except for necessary notational corrections. Part F, Endorsements, will provide space for the producer's agent to transfer, by endorsement, the functions to a subsequent agent. The current version of the CCC-605 provides space for six such subsequent endorsements and the proposed CCC-605 will have room for only four such subsequent endorsements. It is proposed that a new Part F be added as a convenience to agents that may present the CCC-605 at a county FSA office by providing the following statement that would be followed by space for the agent's signature and date of the signature: "I acknowledge: (1) Receipt of CCC Commodity Certificate which I requested to purchase from CCC; (2) that the certificate will be exchanged with CCC in the manner specified in CCC regulations at 7 CFR Part 1400 in order that I may receive commodities from CCC which had previously been pledged as collateral for a CCC marketing assistance loan; and (3) that for purposes of valuing the commodity acquired under this transaction, such value will be the marketing loan repayment rate applicable under 7 CFR Parts 1427 for the commodity as of the day I made payment to CCC for the commodity certificate." Part G is

proposed to be added for use by CCC only to enter the holder ID of the entity to which the cotton loan collateral was released.

Estimate of Burden: Public reporting burden for the revised CCC-605 is estimated to average 4 minutes per producer and 2 minutes per producers' agent for a total burden of 6 minutes per completed form.

Respondents: Individual producers and cotton merchants.

Estimated Number of Respondents: 24,450 producers \times 4 minutes per response and 24,450 agents \times 2 minutes per response.

Estimated Number of Responses per Respondent: 1

Estimated Total Annual Burden on Respondents: 2,445 burden hours times \$12.00 per hour=\$29,340.

Proposed topics for comment include: (a) Whether the collection of the proposed EAD authorization is necessary for the proper performance of the CCR, including whether the information will have practical utility and protect the interests of CCC and the producer; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) alternatives to the proposed information collection; or (d) ways to minimize the burden of the collection of the information on cotton producers expected to respond, including the use of appropriated automated, electronic, mechanical, or techniques or other forms of information technology.

Comments should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to Gene S. Rosera, USDA/Farm Service Agency, 1400 Independence Avenue, SW., STOP 0512; Washington, DC 20250-0512, telephone number (202) 720-8481. All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Signed at Washington, DC on July 24, 2001.

Larry Walker,

Acting Administrator, Farm Service Agency.

[FR Doc. 01-18837 Filed 7-26-01; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF AGRICULTURE

Forest Service

Establishment of Elderberry Purchase Unit

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: On January 19, 2001, the Deputy Secretary of Agriculture created the Elderberry Purchase Unit. This purchase unit comprises 27.89 acres, more or less, within Los Angeles County, California.

EFFECTIVE DATE: Establishment of this purchase unit was effective January 19, 2001.

ADDRESSES: A copy of the establishment document, which includes the legal description of the lands within the purchase unit, and a copy of the map showing the purchase unit are on file and available for public inspection in the Office of the Director, Lands Staff, 4th Floor-South, Sidney R. Yates Federal Building, Forest Service, USDA, 201 14th Street, SW., Washington, DC 20250, between the hours of 8:30 a.m. and 4:30 p.m. on business days. Those wishing to inspect the map are encouraged to call ahead to (202) 205-1248 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Jack Craven, Director, Lands Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090, telephone: (202) 205-1248.

Dated: June 21, 2001.

James R. Furnish,

Acting Associate Chief for Natural Resources.

[FR Doc. 01-18731 Filed 7-26-01; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF AGRICULTURE

Forest Service

Stillwater Mining Company's Boe Ranch LAD Alternative, Removing Production Cap, and Post-Closure Water Treatment, Stillwater County and Sweet Grass County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice: intent to prepare an environmental impact statement.

SUMMARY: The Forest Service proposes to amend Stillwater Mining Company's (SMC) Plan of Operation pertaining to production limits and water treatment methods. Briefly, SMC is requesting Forest Service and State approval to: (1) Construct a land application system (LAD) for treated mine water coming from the East Boulder Mine to its Boe Ranch property, approximately seven miles to the north; (2) remove the production cap for the East Boulder Mine; and, (3) develop a post-closure water treatment plan for adit water and tailings impoundment water that would be discharged into the East Boulder River and Mountain View creek using structures and conveyances, and

percolation ponds to discharge into groundwater.

The Forest Supervisors have the authority for regulating all activities and uses of National Forest System lands. The Cluster National Forest Supervisor and the Gallatin National Forest Supervisor will decide whether to approve Stillwater Mining Company's amendment to their approval Plan of Operations, as detailed in the Proposed Actions, or whether to approve an alternative to the Proposed Actions. The Forest Supervisors also have the ability to prescribe mitigation measures as conditions of approval.

The areas involved in these proposals include: federal land administered by the Gallatin National Forest and Montana Department of Environmental Quality for the East Boulder Mine and Custer National Forest and Montana Department of Environmental Quality for the Stillwater Mine; State Land, administered by the Montana Department of Natural Resources and Conservation; private land, administered by the Montana Department of Environmental Quality for the Boe Ranch property. Thus, the USDA, Forest Service, as a cooperating agency with the Montana Departments of Environmental Quality and Natural Resources and Conservation will participate in the preparation of an environmental impact statement (EIS).

The EIS will disclose the environmental effects of the proposed actions. The Stillwater Mining Company has submitted the following proposals to the Forest Service and the Montana Department of Environmental Quality and Montana Department of Natural Resources and Conservation:

- Construction of a new road for access from the East Boulder Road to the Boe Ranch LAD site. The adit water would be stored on the Boe Ranch LAD site in a constructed storage pond before being applied using one of three different disposal methods: (1) Distribution through a center pivot irrigation system; or, (2) using enhanced evaporation sprayers around the storage pond; or, (3) using snow makers upstream of the storage pond.
- Removal of the ore production cap of 2,000 tons of ore per day at the East Boulder Mine.
- Development of a post-closure water treatment plan for the East Boulder and Stillwater Mines that will describes how mine water will be managed until it meets non-degradation standards and can then be either percolated to groundwater or conveyed and discharged into the East

Boulder River and Mountain View creek.

The Directors of the Montana Department of Environmental Quality and Montana Department of Natural Resources and Conservation, the Gallatin National Forest Supervisor, and the Custer National Forest Supervisor are the officials responsible for approving these proposals.

DATES: A public meeting will be held in Absarokee, MT on July 18, 2001 and in Big Timber, MT on July 19, 2001 in order to identify issues to be addressed in this environmental analysis. Written comments concerning the scope of these proposals must be received by August 20, 2001.

ADDRESSES: Written comments concerning this analysis should be sent to: Patrick Plantenberg, Department of Environmental Quality, Environmental Management Bureau, PO Box 200901, Helena, MT 59620-0901, FAX (406) 444-1374; and/or Pat Pierson, Beartooth Ranger District, HC49, Box 3420, Red Lodge, MT 59068; and/or Lars Halstrom, Big Timber Ranger District, PO Box 1130, Big Timber, MT 59011.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and EIS should be directed to Patrick Plantenberg, MT-DEQ, (406) 444-4960; and/or Pat Pierson, Beartooth Ranger District (406) 446-2103; and/or Lars Halstrom, Big Timber Ranger District, (406) 932-5155.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

Stillwater Mining Company's Water Management Plan was approved on June 28, 1998 for land application disposal (LAD) of treated mine waters on Gallatin National Forest lands. SMC's new proposal would transport treated mine water through a pipeline in the East Boulder Road from the East Boulder Mine to their Boe Ranch property, approximately seven miles to the north. SMC believes the new location would better suite for a LAD system because of its windier, drier, and warmer environment that would increase evaporation of the treated mine water through an irrigation system and through evapotranspiration of rangeland plants. The purpose of this action is to provide additional operating flexibility, optimize treatment and disposal options, and allow mine water to be beneficially used in an agricultural setting.

Removal of the production cap at the East Boulder Mine is also proposed. SMC's current permitted production cap is 2,000 tons of ore per day. SMC argues that removal of the production cap

would have no environmental impact to other surface resources. The East Boulder Mine's production would still be controlled by other permit constraints and requirements for air quality, water quality, water treatment capacity, and impoundment size. An increase in production would trigger changes in employment, etc. This would trigger a change to the Hard Rock Impact Plan, which would have to be approved before the action could be put into place. The purpose of this action is to allow SMC flexibility in production as changes occur in the market and grade of the ore encountered.

Previous Environmental Analyses for Stillwater's Nye operation have analyzed and approved operational water management plans during the life of the mine. However, long-term, post-mine closure water management has not been previously considered. When post-closure audit discharge water no longer requires treatment in order to meet water quality non-degradation standards, it is proposed that audit water will be discharged into the East Boulder River and Mountain View Creek through the use of structures and conveyances and tailings impoundment water be discharged to groundwater through percolation ponds.

SMC has submitted proposals to amend its plan of operations in accordance with Federal and State regulations. The General Mining Law of 1872 grants all U.S. citizens the right to explore, develop, and produce mineral resources on Federal lands open to mineral entry. SMC currently operates the only economically viable platinum/palladium mine in the western hemisphere and accounts for five percent of world production. Thirty-five percent of U.S. consumption of platinum/palladium is accounted for by the automotive industry in catalytic converters, required as a result of the Clean Air Act of 1990; 32 percent by electronics; nine percent is used for medical/dental purposes; six percent by the chemical industry; and 18 percent is used for a variety of purposes, based on their chemical inertness and refractory properties (USDI, 1991).

The purpose of this environmental analysis is to disclose the environmental effects of Stillwater Mining Company's proposals described above, and, cumulative effects of other potential activities within the Stillwater Complex will be considered in this analysis

Forest Plan Direction

The proposals are within two National Forests, Montana State land and private land. The applicable

direction of each Forest Plan is as follows.

Custer National Forest

The area involved in the post-closure water treatment proposal for the Stillwater Mine is within Management Area E as described in the Custer National Forest Land and Resource Management Plan (1986). The management goal for Management Area E is:

"To facilitate and encourage the exploration, development, and production of energy and mineral resources from the National Forest System lands. Other resources will be considered, and impacts will be mitigated to the extent possible through standard operating procedures and, on a limited basis, through special lease stipulations necessary to manage key surface resources. Energy/mineral development will not be precluded by these resource concerns within legal constraints. Efforts will be made to avoid or mitigate resources conflicts. If the responsible official determines that conflicts cannot be adequately mitigated, she/he will resolve the conflict in accordance with the management goal and, if necessary, in consultation with affected parties." (Forest Plan, pg. 58)

Gallatin National Forest

The area involved in the post-closure water treatment proposal and the lifting of the production cap at the East Boulder Mine lies within Management Areas 8 and 12 as described in the Gallatin National Forest Land and Resource Management Plan (1987). The management goals for minerals in Management Areas 8 and 12 are to:

"Provide for orderly and environmentally acceptable exploration and development of minerals, oils and gas, and geothermal resources." (Forest Plan, pg. II-1) "Forest-wide standards established for these proposals will be monitored for compliance with approved operating plans and management area direction." (Forest Plan, p. II-24, 11.a,5) "Meet State water quality standards and maintain channel stability." (Forest Plan, pg. III-24, 4.)

State and Private Lands

The Boe Ranch LAD proposal is located on SMC's ranch property and Montana State land under the jurisdiction of State laws and regulations for land management decisions.

Preliminary Issues

The Forest Service and Department of Environmental Quality and Department

of Natural Resources and Conservation Interdisciplinary Team (IDT) have preliminarily identified two potential issues to consider in the environmental analysis. These issues have been identified due to the possibility that the existing environmental conditions may change as a result of the proposed activities. The potential issues include long-term surface and groundwater quality and long-term surface and groundwater quantity. Aspects related to these issues that likely will be considered in the analysis are: operation and maintenance of the long-term water management system; effectiveness of long-term water treatment; management and monitoring systems (including LAD) to avoid violations of water quality standards; modifications to existing Montana Pollution Discharge Elimination Systems (MPDES) at the Nye and East Boulder sites; long-term discharge from tailings impoundment under drains and from tailing impoundment caps; length of required long-term treatment to meet water quality standards; maintenance of water system pipelines at the Hertzler and Boe Ranch sites; and, effects (e.g., shorter mine life, employment level changes, Hard Rock Impact Plan amendment, and impoundment Stages 2 thru 5 construction schedule) of lifting the production cap at the East Boulder site.

Preliminary Alternatives

- No Action
- Proposed Action
- An alternative to the Boe Ranch proposal would be use of the permitted proposals for water treatment entirely on the Gallatin National Forest as originally planned and leaving the production cap at 2,000 tons of ore per day.
- Proposed Action with Appropriate Mitigation

EIS Availability

The draft environmental impact statement (DEIS) is expected to be available for public review by mid-February 2002. After a 45-day public comment period, the comments received will be analyzed and considered by the Forest Service and Montana Department of Environmental Quality and Montana Department of Natural Resources and Conservation during the preparation of the final environmental impact statement (FEIS). The FEIS is scheduled to be completed by the end of May 2002. The regulatory agencies will respond to the comments received in the FEIS. The Custer National Forest Supervisor, the Gallatin National Forest Supervisor, and the Directors of the Montana Department of

Environmental Quality and the Montana Department of Natural Resources and Conservation are the responsible officials for the EIS and will make decisions regarding this proposal considering the comments and responses, environmental consequences discussed in the DEIS, and applicable laws, regulations, and policies. The decision and reasons for the decision will be documented in a Record of Decision.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the Federal Register.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, commenters and reviewers of environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts the agencies to the reviewers' positions and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Wisconsin Heritages, Inc. v. Harris*, 490 F.Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the national Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: May 30, 2001.

Nancy T. Curriden,

Forest Supervisor, Custer National Forest.

Dated: June 1, 2001.

Rich Inman,

Acting Forest Supervisor, Gallatin National Forest.

[FR Doc. 01-18754 Filed 7-26-01; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Humble Canal Project (ME-11), Cameron Parish, LA

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to section 102 (2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR part 1500); and the Natural Resources Conservation Service Regulations (7 CFR part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Humble Canal Project (ME-11), Cameron Parish, Louisiana.

FOR FURTHER INFORMATION CONTACT:

Donald W. Gohmert, State Conservationist, Natural Resources Conservation Service, 3737 Government Street, Alexandria, Louisiana 71302, telephone (318) 473-7751.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Donald W. Gohmert, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed on this project.

The primary goal is to promote hydrologic benefits by allowing water to flow out of the system without subjecting the fresh marshes to damaging outside salinity. Interior areas that have converted to shallow open water will be given the opportunity to revegetate by attempting to lower excessive water levels within the project. Protection from salinities will continue to permit the growth of aquatic vegetation. The planned works of improvement include installing five 48-inch water control structures with variable-crest weir inlets and flapgated

outlets and an 18-inch marine organism ingress structure with a screwgate.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Dated: July 20, 2001.

Donald W. Gohmert,
State Conservationist.

[FR Doc. 01-18732 Filed 7-26-01; 8:45 am]

BILLING CODE 3410-16-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: August 27, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603-7740.

SUPPLEMENTARY INFORMATION: On March 30, April 20, and June 1, 2001, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (66 FR 17406, 20234 and 29769) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities.

The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodity and services.

3. The action will result in authorizing small entities to furnish the commodity and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodity and services proposed for addition to the Procurement List.

Accordingly, the following commodity and services are added to the Procurement List:

Commodity

Flu Detection Kit
6550-00-NIB-0001
6550-00-NIB-0002

Services

Janitorial/Custodial U.S. Army Reserve Center, Bullville, Route 17K, Bullville, New York
Janitorial/Custodial McConnell USARC, Liverpool, New York
Janitorial/Custodial Seward USARC, Mattydale, New York
Janitorial/Custodial Fort Ontario USARC, Oswego, New York

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 01-18813 Filed 7-26-01; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletion from procurement list.

SUMMARY: The Committee is proposing to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or

have other severe disabilities, and to delete commodity previously furnished by such agencies.

Comments Must Be Received On or Before: August 27, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603-7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed addition, the entities of the Federal Government identified in this notice for each commodity or service will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will result in authorizing small entities to furnish the commodities and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information. The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Replicated Class V—Training Aids
1315-00-NSH-0001
1315-00-NSH-0002
1315-00-NSH-0003
1315-00-NSH-0004

- 1315-00-NSH-0005
 1315-00-NSH-0006
 1315-00-NSH-0007
 1315-00-NSH-0008
 1315-00-NSH-0009
 1315-00-NSH-0010
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 1315-00-NSH-0040
 1315-00-NSH-0041
 1315-00-NSH-0042
 1315-00-NSH-0043
 1315-00-NSH-0044
 1315-00-NSH-0045
 1315-00-NSH-0046
 1315-00-NSH-0047
 1315-00-NSH-0048
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 1315-00-NSH-0050
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 1315-00-NSH-0059
 1315-00-NSH-0060
 1315-00-NSH-0061
 1315-00-NSH-0062
 1315-00-NSH-0063
 1315-00-NSH-0064
 1315-00-NSH-0065
 1315-00-NSH-0066
 1315-00-NSH-0067
 NPA: Vernon Sheltered Workshop, Leesville, Louisiana
Government Agency: Department of the Army
 Cord, Fibrous, Nylon
 4020-00-246-0688
 NPA: East Texas Lighthouse for the Blind, Tyler, Texas
Government Agency: Defense Supply Center Philadelphia
 Envelope, Translucent
 7530-01-354-3982
 NPA: Industries for the Blind, Inc., Milwaukee, Wisconsin
Government Agency: GSA/Office Supplies and Paper Products Commodity Center For all depots except Fort Worth, Texas which was added to the Procurement List in 1997
 Cob Web Duster
 M.R. 1044
 NPA: Industries for the Blind, Inc., Milwaukee, Wisconsin
Government Agency: Defense Commissary Agency
 Lint Mitt
 M.R. 1790
 NPA: Beacon Lighthouse, Inc., Wichita Falls, Texas
Government Agency: Defense Commissary Agency
 Wild Cat Air Freshener
 M.R. 1791
 NPA: Industries of the Blind, Inc., Greensboro, North Carolina
Government Agency: Defense Commissary Agency
 Sneaker Balls
 M.R. 1792
 NPA: Industries of the Blind, Inc., Greensboro, North Carolina
Government Agency: Defense Commissary Agency
 Assorted Air Freshener Balls
 M.R. 1793
 NPA: Industries of the Blind, Inc., Greensboro, North Carolina
Government Agency: Defense Commissary Agency
Services
 Base Supply Center
 Naval Air Station, Joint Reserve Base, Fort Worth, Texas
 NPA: Tarrant County Association for the Blind, Fort Worth, Texas
Government Agency: Naval Reserve, Fort Worth, Texas
 Central Facility Management
 Bureau of Alcohol, Tobacco and Firearms, Canine Training Facility, 122 Calvary Drive, Front Royal, Virginia
 NPA: Northwestern Workshop, Inc., Winchester, Virginia
Government Agency: DOJ/Bureau of Alcohol, Tobacco and Firearms
 Commissary Shelf Stocking, Custodial & Warehousing
 Marine Corps Base, Twenty-Nine Palms, California
 NPA: PRIDE Industries, Roseville, California
Government Agency: U.S. Marine Corps
 Food Service Attendant
 Dakota Inn, Flight Kitchen and Alert Facility, Minot AFB, North Dakota
 NPA: Minot Vocational Adjustment Workshop, Inc., Minot, North Dakota
Government Agency: Department of the Air Force
 Grounds Maintenance
 Naval Base, Ventura County, California
 NPA: The Arc of Santa Maria Valley, Santa Maria, California
Government Agency: Department of the Navy
 Janitorial/Custodial, Anniston Army Depot, Anniston, Alabama
 NPA: Opportunity Center Easter Seal Rehabilitation Facility, Anniston, Alabama
Government Agency: Anniston Army Depot
 Janitorial/Custodial, Naco Border Patrol Station, 2136 Naco Highway, Bisbee, Arizona
 NPA: Cochise County Association for the Handicapped, Bisbee, Arizona
Government Agency: DOJ/Immigration and Naturalization Service
 Janitorial/Custodial, Department of the Interior, Main and South Buildings
 Washington, DC
 NPA: The Chimes, Inc., Baltimore, Maryland
Government Agency: Department of the Interior
 Janitorial/Custodial, USDA/ Henry A. Wallace Beltsville, Agricultural Center, Beltsville, Maryland
 NPA: Melwood Horticultural Training Center, Upper Marlboro, Maryland
Government Agency: U.S. Department of Agriculture
 Janitorial/Custodial At the following Federal Building Locations in Baltimore, Maryland:
 Middle River Depot, 2800 Eastern Blvd
 Fallon Federal Building, 31 Hopkins Plaza
 Fallon Federal Child Development Center, 200 W Lombard Street
 U.S. Customs House, 40 S. Gay Street
 Appraisers Stores Building, 103 S. Gay Street
 NPA: The Chimes, Inc., Baltimore, Maryland
Government Agency: GSA/Chesapeake Realty Services
 Janitorial/Custodial, ≤U.S. Coast Guard, MSO/Group Portland, 6767 North Basin Avenue, Portland, Oregon
 NPA: Portland Habilitation Center, Inc., Portland, Oregon
Government Agency: DOT/U.S. Coast Guard
 Mailing Services, U.S. Army Engineer District, Detroit, Michigan
 NPA: Jewish Vocational Service and Community Workshop, Inc., Southfield, Michigan
Government Agency: U.S. Army Engineer District
 Manufacturing and Development Assistance, U.S. Army Natick Soldier Center, Natick, Massachusetts
 NPA: Southeastern Kentucky Rehabilitation Industries, Inc., Corbin, Kentucky
Government Agency: U.S. Army Natick Soldier Center
 Records Management Service, USAF Reserve Personnel Center, Denver, Colorado
 NPA: Bayaud Industries, Inc., Denver, Colorado
Government Agency: U.S. Air Force Reserve
 Vehicle Registration Service, River's Building, Information Center and Mail Provost Marshall's Office, Fort Hood, Texas
 NPA: Training, Rehabilitation & Development Institute, Inc., San Antonio, Texas
Government Agency: Department of the Army

Deletion

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action will result in authorizing small entities to furnish the commodities and services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46—48c) in connection with the commodities and services proposed for deletion from the Procurement List.

The following commodity has been proposed for deletion from the Procurement List:

Commodity

Peeler, Potato, Hand
7330-00-238-8316

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 01-18814 Filed 7-26-01; 8:45 am]

BILLING CODE 6353-01-P

DEPARTMENT OF COMMERCE**Bureau of the Census**

[Docket Number 010209034-1162-02]

RIN 0607-XX63

Urban Area Criteria for Census 2000—Proposed Criteria

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of proposed criteria; reopening for public comment; Correction.

SUMMARY: On March 28, 2001 (66 FR 17018), the Bureau of the Census (Census Bureau) published a Notice of Proposed Criteria and Request for Public Comment concerning its proposed criteria for defining urban and rural population. In response to numerous public comments, the Census Bureau is reopening the comment period for 30 days. In addition, the Census Bureau is including corrections, clarifications, and additional information to its original notice.

DATES: Comments must be received by August 27, 2001.

ADDRESSES: Address all written comments to the Director, U.S. Census Bureau, Room 2049, Federal Building 3, Washington, DC 20233-0001.

FOR FURTHER INFORMATION, CONTACT: Robert Marx, Chief, Geography Division, U.S. Census Bureau, Washington, DC 20233-7400; telephone (301) 457-2131, or e-mail (ua@geo.census.gov).

SUPPLEMENTARY INFORMATION: On March 28, 2001 (66 FR 17018), the Census Bureau published a Notice of Proposed Criteria and Request for Public Comment concerning its proposed criteria for defining urban and rural population. In response to numerous public comments, the Census Bureau is reopening the comment period for 30 days. In addition, the Census Bureau is including corrections, clarifications, and additional information to its original notice.

Note: None of the following information represents a substantive change to the original proposed criteria.

Corrections

The Census Bureau is providing the following corrections to the original notice.

Page 17018, Column 3, Section I.A.3., fourth line of that section: “* * * that are contiguous with the census BGs and census blocks identified * * *.” is corrected to read “* * * that are contiguous with the census BGs identified * * *.” This correction is being made to correct an error that referenced census blocks.

Page 17019, Column 1, Section I.B., first line of that section: “Census BGs and/or census blocks adjacent to a UA or UC core consists of the following:” is corrected to read, “Census BGs and/or census blocks that are noncontiguous to the interim core of a UA or UC (area defined by criteria I.A.1. through 7.) may be added to the UA or UC as follows:” This correction is being made to clarify the spatial relationship of nearby BGs and census blocks to UA and UC cores by using the term “noncontiguous” instead of “adjacent,” and also to provide a better identification of the version of the UA and UC cores at this stage of delineation.

Page 17019, Column 2, Section I.B.2.a.(1), first line of that section: “adjacent to” is corrected to read “conjoint with.” This is to clarify the spatial relationship of a qualifying area to a road connection.

Page 17019, Column 2, Section I.B.2.a.(3), fifteenth line of that section: “I.B.1.b.” is corrected to read “I.B.2.a.” This is to correct a typographical error.

Page 17019, Column 2, Section I.B.2.b.(2), ninth line of that section: “I.B.1.b.” is corrected to read “I.B.2.b.” This is to correct a typographical error.

Page 17019, Column 2, Section I.B.2.c., first line of that section: “The Census Bureau will include uninhabitable territory to the main body of the core or adjacent qualifying territory if the area to connect it is within 5 road miles, and as long as the

5 miles include no more than 2.5 miles of otherwise habitable territory” is corrected to read, “The Census Bureau will include additional densely settled noncontiguous area in a UA or UC using a connection of up to 5 road miles, provided that the connection contains uninhabitable territory and that no more than 2.5 miles of the road connection is across habitable territory.” This correction is provided to clarify the criteria for linking a qualifying area to a UA or UC core via a jump that includes uninhabitable territory.

Page 17019, Column 2, footnote 6, first line of that footnote: “Uninhabitable territory is defined as territory in which residential development is not possible; that is, it consists of bodies of water, national parks and monuments, and military installations’ is corrected to read, “Uninhabitable territory is defined as territory within bodies of water, national parks and monuments, and military bases where residential development is not possible.” This correction is provided to clarify the definition of uninhabitable territory.

Page 17019, Column 3, Section I.B.2.c.(2), eighth line of that section: “I.B.1.a.” is corrected to read “I.B.2.b.” This is to correct a typographical error.

Page 17022, Column 1, Section VII.C., first data line in the table: “Bristol, VA” is corrected to read “Bristol, TN—Bristol, VA.” This is to correct a typographical error.

Page 17022, Column 1, Section VII.C., second data line in the table: “47,282” is corrected to read “37,720.” This is to correct a computation error that mistakenly included population from the St. Simons area.

Page 17022, Column 2, Section VII.A., first line of that section: “A.” is corrected to read “D.” This is to correct a typographical error.

Clarifications

In response to many questions regarding the application of the criteria, the Census Bureau is providing the following clarifications of the proposed criteria.

Page 17019, Column 1, Section I.A.4.: This section applies to building the initial core of a UA or UC by adding blocks with a minimum population density of 500 people per square mile (ppsm) to those areas that qualify based on the criteria in Sections I.A.1. through 3. To clarify, all blocks that have the minimum density of 500 ppsm and are contiguous to each other are added in their entirety to the initial core, as long as one of these blocks is contiguous to a block or BG that qualifies based on the criteria in Sections I.A.1. through 3.

This clarification is provided because of the number of questions that were received regarding how blocks are added to the core.

Page 17019, Column 1, Sections I.A.5. and I.B.2.: These sections make reference to population density criteria. To clarify, all calculations of population density for adding noncontiguous areas to a UA or UC core include the population and habitable land area of all qualifying and linking blocks. This clarification is provided because of the number of questions that were received regarding how blocks are added to the core via hops and jumps.

Page 17019, Column 1, Sections I.A.5. and I.B.2.: These sections make reference to distance criteria for hops and jumps. To clarify, distance measurements are based on measuring the road connection between blocks that have a minimum density of 500 ppsm. This clarification is provided because of the number of questions that were received regarding how hops and jumps are measured.

Page 17019, Column 1, Section I.B.2.: This section refers to "densely settled noncontiguous territory." The reference is to the blocks that qualify as such, as specified in Section I.B.1. This clarification is provided to identify the area referred to as densely settled, noncontiguous territory.

Page 17019, Column 1, Section I.B.2.a.: This section refers to adding noncontiguous qualifying area to the main body of a core. To clarify, the reference to "main body" refers to the area of the core that qualifies based on the criteria in Sections I.A.1. through 7. This clarification is provided to identify what constitutes a core at this point in the delineation process.

Page 17019, Column 2, Section I.B.2.a.(3): The second paragraph of this section refers to the Census Bureau's criteria that place a limit of only one jump to noncontiguous qualifying area along the same road connection. To clarify, the Census Bureau will permit an additional jump for an interim core that has a population of 50,000 or greater when the interim core is connected to a larger core via a jump connection. This clarification is provided to explain the condition under which a second jump may occur.

Page 17020, Column 2, Section IV.A.: This section contains criteria for splitting UAs and specifies that 3 miles is the maximum distance for determining if a split can occur. To clarify, the distance is based on a straight-line measurement from one edge of the UA to the other edge. If a split qualifies, the actual UA boundary will follow block boundaries that

deviate the least distance from that straight line. This clarification is provided to explain how the Census Bureau will measure to determine if a narrow section meets part of the UA split criteria.

Additional Information

Page 17019, Column 2, footnote 6: This footnote provides the definition of uninhabitable area. The Census Bureau has identified two 1990 UAs, using 1990 census data, where significant portions of the UAs would be excluded under the proposed criteria specified in footnote 6. The Arkansas portion (1990 census population, 34,600) of the 1990 Memphis, TN-AR-MS UA (i.e., potential West Memphis UC) and the Kentucky portion (1990 census population, 26,517) of the 1990 Evansville, IN-KY UA (i.e., potential Henderson UC) would be excluded from their respective UAs. In both cases, the 1990 UA delineation included these areas in the UAs by identifying an undevelopable jump where a flood plain prohibits development. The proposed criteria do not include flood plains in the list of situations that define uninhabitable territory, and the distance of the road connections across the flood plains (considered as habitable land under the proposed criteria) exceeds the maximum standard jump distance of 2.5 miles. While the Kentucky portion of the 1990 Evansville UA (i.e., Henderson and surrounding area) and the Arkansas portion of the 1990 Memphis UA (i.e., West Memphis and surrounding area) do not qualify as UA components by using 1990 data and Census 2000 proposed criteria, they do qualify as medium-size UCs when applying the aforementioned data and criteria (i.e., UCs with populations of 25,000 or greater).

Page 17020, Column 2, Section IV.: This section specifies the criteria to split UAs. Using 1990 census data, the following contiguous 1990 UAs would be merged because they do not meet all of the conditions as specified in the proposed UA split criteria and could not be separated into individual UAs: San Francisco—Oakland, CA/Antioch—Pittsburg, CA
Palm Springs, CA/Indio—Coachella, CA
Simi Valley, CA/Oxnard—Ventura, CA (part)¹

¹ Under the proposed criteria, using 1990 census data, only the eastern portion of the Oxnard—Ventura, CA UA (Agoura Hills, Camarillo, Thousand Oaks, and Westlake Village cities) would merge with the Simi Valley, CA UA. The remaining western portion of the Oxnard—Ventura, CA UA would be a separate UA under the proposed criteria. For the 1970 census, the Census Bureau defined the Oxnard—Ventura—Thousand Oaks, CA

Boulder, CO/Longmont, CO
Bridgeport—Milford, CT/New Haven—Meriden, CT/Norwalk, CT/
Stamford, CT—NY
Bristol, CT/Hartford—Middletown, CT/
New Britain, CT
Annapolis, MD/Baltimore, MD/
Washington, DC—MD—VA
Fort Lauderdale—Hollywood—
Pompano Beach, FL/Miami—Hialeah, FL/West Palm Beach—Boca Raton—
Delray Beach, FL
Fort Pierce, FL/Stuart, FL
Honolulu, HI/Kailua, HI
Aurora, IL/Chicago, IL—Northwestern Indiana/Crystal Lake, IL/Elgin, IL/
Joliet, IL/Round Lake Beach—
McHenry, IL—WI
Boston, MA/Brockton, MA/Lawrence—Haverhill, MA—NH/Lowell, MA—NH/Taunton, MA
Charlotte, NC/Gastonia, NC
Greensboro, NC/High Point, NC
Cleveland, OH/Lorain—Elyria, OH
Philadelphia, PA—NJ/Wilmington, DE—NJ—MD—PA
Dallas—Fort Worth, TX/Denton, TX/
Lewisville, TX
Richmond, VA/Petersburg, VA
Salt Lake City, UT/Ogden, UT
Seattle, WA/Tacoma, WA

Page 17022, Section VII.C., table: This section lists four 1990 census UAs that would not qualify as UAs if the proposed criteria were applied using 1990 census population data. The Census Bureau has identified two additional 1990 UAs that would not qualify under the proposed criteria using 1990 census data:

- Lompoc, CA, 1990 UA population 56,591: This area would have a 1990 census population of 46,312 by applying the proposed criteria. The drop in population is attributed to removing the population that was contained on Vandenberg Air Force Base, where all of the population resided in large census blocks with population densities that were less than the required 500 ppsm.

- Cumberland, MD-WV, 1990 UA population 54,655: This area would have a 1990 census population of 40,130 by applying the proposed criteria. The drop in population is due primarily to removing the city of Frostburg from the UA. The 1990 UA delineation connected Frostburg to the Cumberland UA by identifying an "undevelopable

UA because the criteria permitted the combining of legal entities into a UA if their boundaries touched, which these communities did—and still do. The UA remained essentially unchanged for the 1980 and 1990 censuses due to the effect of grandfathering criteria that were in effect for the 1980 and 1990 census delineations. Under the proposed criteria, the two sections of the UA cannot be linked, because more than one jump must be used to connect the areas; the fact that the corporate limits touch is no longer a factor in the delineation.

jump" where steep topography impeded development. The proposed criteria do not include steep topography in the list of situations that define uninhabitable territory.

Dated: July 23, 2001.

William G. Barron, Jr.,

Acting Director, Bureau of the Census.

[FR Doc. 01-18809 Filed 7-26-01; 8:45 am]

BILLING CODE 3510-07-U

DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-822, A-122-823]

Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Canada: Rescission in Part and in Whole of Antidumping Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Rescission in part and in whole of antidumping duty administrative reviews: certain corrosion-resistant carbon steel flat products and certain cut-to-length carbon steel plate from Canada.

SUMMARY: In response to timely requests from interested parties, the Department of Commerce (the Department) initiated administrative reviews of the antidumping duty orders on certain corrosion-resistant carbon steel flat products (CORE) and certain cut-to-length carbon steel plate (CTL plate) from Canada. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 65 FR 58733 (October 2, 2000). These reviews cover five manufacturers/exporters of CORE for the period from August 1, 1999 through July 31, 2000, and three manufacturers/exporters of CTL plate for the period from August 1, 1999 through December 31, 1999. Because certain interested parties have withdrawn their requests for review, the Department is rescinding, in whole, its review of CORE and rescinding, in part, its review of CTL plate in accordance with 19 CFR 351.213(d)(1).

EFFECTIVE DATE: July 27, 2001.

FOR FURTHER INFORMATION CONTACT:

Abdelali Elouaradia or Julio Fernandez, AD/CVD Enforcement Group III, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington

D.C. 20230; telephone (202) 482-1374 or (202) 482-0190, respectively.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the provisions codified at 19 CFR Part 351 (2000).

SUPPLEMENTARY INFORMATION:

Background

The Department published in the **Federal Register** antidumping duty orders on CORE and CTL plate from Canada on August 19, 1993. *See Antidumping Duty Orders: Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate from Canada*, 58 FR 44162 (August 19, 1993). The Department received timely requests from interested parties to conduct administrative reviews pursuant to § 351.213(b) of the Department's regulations. On September 26, 2000, the Department initiated an administrative review covering five manufacturers/exporters of CORE: Stelco, Inc. (Stelco), Continuous Colour Coat, Ltd. (CCC), Sorevco, Inc. (Sorevco), Dofasco, Inc. (Dofasco), and National Steel Corporation (National). We also initiated an administrative review of three manufacturers/exporters of CTL plate: Stelco, Clayton Steel Inc. (Clayson), and Gerdau MRM Steel (MRM). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 65 FR 58733 (October 2, 2000).

On November 17, 2000, Sorevco and Dofasco withdrew their requests for an administrative review of CORE. The Department received a letter on November 28, 2000 from National withdrawing its request for an administrative review of CORE. On December 5, 2000, the petitioner withdrew its request for an administrative review of CORE with respect to CCC, and on December 13, 2000, the petitioner withdrew its request for an administrative review of CORE with respect to Stelco. The petitioner withdrew its request for an administrative review of CORE with respect to Sorevco and Dofasco on November 20, 2000. Sorevco, Dofasco, Stelco, and CCC were the only producers of CORE for which petitioners had requested a review.

On May 8, 2001, MRM withdrew its request for a review of CTL plate. The

petitioner withdrew its request for an administrative review of CTL plate with respect to Stelco on December 13, 2000, and with respect to MRM on May 11, 2001, the only producers of CTL plate for which it had requested a review.

On December 8, 2000, the Department revoked the antidumping duty order on CTL plate from Canada, effective January 1, 2000, pursuant to section 751(c) of the Act. *See Revocation of Antidumping and Countervailing Duty Orders on Certain Carbon Steel Products From Canada, Germany, Korea, the Netherlands, and Sweden*, 65 FR 78467 (December 15, 2000). As a result of the revocation of this order, the period of review for the seventh administrative review of CTL plate is shortened to the period from August 1, 1999 through December 31, 1999.

Due to extraordinarily complicated issues in this case, the Department extended the deadline for completion of these antidumping duty administrative reviews on February 26, 2001. *See Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Canada: Extension of Time Limits for Preliminary Results of Antidumping Administrative Review*, 66 FR 12924 (March 1, 2001).

Rescission, in Whole, of Antidumping Administrative Review of CORE

Pursuant to our regulations, the Department will rescind an administrative review, "if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review." *See* 19 CFR 351.213(d)(1). This section further provides that the Secretary may extend this time limit if the Secretary decides that it is reasonable to do so. *See* 19 CFR 351.213(d)(1). In this case, the interested parties' withdrawals of their requests for review were within the 90-day time limit. Therefore, the Department has determined that it is reasonable to rescind, in whole, the administrative review of CORE for the period August 1, 1999 through July 31, 2000. The Department will issue appropriate assessment instructions to the U.S. Customs Service (Customs).

Rescission, in Part, of Antidumping Administrative Review of CTL Plate

Pursuant to our regulations, the Department will rescind an administrative review, "if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review." *See* 19 CFR 351.213(d)(1). This section further

provides that the Secretary may extend this time limit if the Secretary decides that it is reasonable to do so. *See* 19 CFR 351.213(d)(1). In this case, petitioners' withdrawal of its request for review with respect to Stelco was within the 90-day time limit. Petitioners' withdrawal of its request for review with respect to MRM and MRM's withdrawal of its request for review were not within the 90-day time limit. However, because there were no objections from other interested parties, the Department has determined that it is reasonable to rescind in part the administrative review of CTL plate with respect to Stelco and MRM for the period August 1, 1999 through December 31, 1999. Further, the Department will issue appropriate assessment instructions to Customs. The Department is not rescinding its review of CTL plate with respect to Clayson for the period of August 1, 1999 through December 31, 1999. Therefore, the Department's CTL plate review now covers Clayson only for the period August 1, 1999 through December 31, 1999.

This notice serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This determination and notice are issued and published in accordance with 19 CFR 351.213(d)(4) and sections 751(a)(1) and 777(i)(1) of the Act.

Date: July 18, 2001.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 01-18812 Filed 7-26-01; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-122-839]

Certain Softwood Lumber Products From Canada: Extension of Time Limit for Preliminary Determination in Countervailing Duty Investigation

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of additional extension of time limit for preliminary determination in countervailing duty investigation.

SUMMARY: The Department of Commerce (the Department) is extending the time limit of the preliminary determination in the countervailing duty (CVD) investigation of certain softwood lumber products from Canada from July 27, 2001, until no later than August 9, 2001. This extension is made pursuant to section 703(c)(1)(B) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

EFFECTIVE DATE: July 27, 2001.

FOR FURTHER INFORMATION CONTACT: Eric B. Greynolds at (202) 482-6071, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

Extension of Due Date for Preliminary Determination

On April 23, 2001, the Department initiated the CVD investigation of certain softwood lumber products from Canada. *See Notice of Initiation of Countervailing Duty Investigation: Certain Softwood Lumber Products from Canada*, 66 FR 21332 (April 30, 2001). On June 5, 2001, the Department found that this investigation was extraordinarily complicated pursuant to section 703(c)(1)(B) of the Act and extended the due date of the preliminary determination. *See Certain Softwood Lumber Products From Canada: Extension of Time Limit for Preliminary Determination in Countervailing Duty Investigation*, 66 FR 31617 (June 12, 2001) (Extension Notice). In the Extension Notice, we stated that we were extending the due date only for an additional 30 days rather than the full 65 days (*see* section 703(c)(1)(B) of the Act). However, we have now determined to take an additional 13 days, as permitted under the statute, to issue this preliminary determination. Therefore, we are extending the due date for the

preliminary determination to August 9, 2001. The bases for our decision to take an additional 13 days are the same as set forth in the original extension notice (*see* Extension Notice) as well as our need to ensure that the complex and voluminous information submitted to the Department can be fully analyzed. Accordingly, we continue to find this investigation to be extraordinarily complicated and determine that additional time is necessary to issue the preliminary determination. Therefore, pursuant to section 703(c)(1)(B) of the Act, we are postponing the preliminary determination in this investigation to no later than August 9, 2001.

This notice is issued and published pursuant to section 703(c)(2) of the Act.

Dated: July 23, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01-18811 Filed 7-26-01; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071101F]

Caribbean Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Caribbean Fishery Management Council (Council) will hold meetings.

DATES: The meetings will be held on August 13-16, 2001. The Administrative Committee will meet on August 13, from 2 p.m. until 5 p.m. The Council will convene on Tuesday, August 14, 2001, from 9 a.m. to 5 p.m. through Thursday, August 16, 2001, from 9 a.m. to 12 noon, approximately.

ADDRESSES: The meetings will be held at the Divi Carina Bay Resort and Casino, 25 Estate Turnerhole, Christiansted, St. Croix, USVI.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918-2577; telephone: (787) 766-5926.

SUPPLEMENTARY INFORMATION: The Council will hold its 105th regular public meeting to discuss the items contained in the following agenda:

Call to Order
 Election of Officials
 Adoption of Agenda
 Consideration of 104th Council Meeting Summary Minutes
 Public Hearing on Sustainable Fisheries Act (SFA) Management Targets and Thresholds Tables
 SFA Final Action
 Methods for Optimum Yield with Limited Data - J. Nowlis
 Regulatory Impact Review for Reefish Amendment 3 - W. Keithly
 Overview of Limited Entry Strategies
 Reefish Amendment 3
 -Public Meetings Report
 -Decisions on Management Measures for Public Hearings
 Queen Conch Fishery Management Plan (FMP) Update
 Enforcement
 -Federal Government
 -Puerto Rico
 -U.S. Virgin Islands
 Administrative Committee Recommendations
 Meetings Attended by Council Members and Staff
 Other Business
 Next Council Meeting

The Council will open a 1-hour comment period from 1:30 p.m. to 2:30 p.m., on August 14, 2001, to allow the local government representatives and the general public to provide any comments on the data included in the tables prepared for the management targets and thresholds (MSY, OY, MSST, etc.) as required under the SFA.

The Administrative Committee will meet on August 13, from 2 p.m. to 5 p.m., to discuss administrative matters.

The meetings are open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subjects of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and/or other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, (see **FOR FURTHER INFORMATION CONTACT**) at least 5 days prior to the meeting date.

Dated: July 13, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01-18832 Filed 7-26-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 072301G]

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and its Ecosystem Management Committee (initial meeting), its Demersal Species Committee meeting as a Council Committee of the Whole with the Atlantic States Marine Fisheries Commission's (ASMFC) Summer Flounder, Scup and Black Sea Bass Board, and the Coastal Migratory Committee meeting as a Council Committee of the Whole with the ASMFC's Bluefish Board will hold a public meeting.

DATES: The meetings will be held on Tuesday, August 7, 2001, to Thursday, August 9, 2001. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Sheraton Society Hill, One Dock Street, Philadelphia, PA, telephone: 215-238-6000.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904, telephone: 302-674-2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302-674-2331, ext. 19.

SUPPLEMENTARY INFORMATION: On Tuesday, August 7, the Ecosystem

Management Committee will meet from 10 a.m. until noon. The Council and ASMFC will meet from 1 p.m. until 4:30 p.m. On Wednesday, August 8, the Council and ASMFC will meet from 8 a.m. until 5:30 p.m. On Thursday, August 9, the Executive Committee will meet from 8 a.m. to 9 a.m. The Council and the ASMFC's Bluefish Board will meet from 9 a.m. until 11 a.m. Council will meet from 8 a.m. until 4 p.m.

Agenda items for the committees and Council meeting(s), as appropriate, are: Review of Scup Monitoring Committee's recommendations regarding 2002 harvest level and commercial management measures, and recommend 2002 harvest level and commercial management measures; review of Summer Flounder Monitoring Committee's recommendations regarding 2002 harvest level and commercial management measures, and recommend two possible 2002 harvest levels and commercial management measures; review Black Sea Bass Monitoring Committee's recommendations regarding 2002 harvest level and commercial management measures, and recommend 2002 harvest level and commercial management measures; approve and adopt public hearing document for Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass Plan; review Bluefish Monitoring Committee's recommendations regarding 2002 harvest level and management measures, and recommend bluefish harvest level and management measures for 2002; hear organizational and committee reports.

Although non-emergency issues not contained in this agenda may come before the Council and ASMFC for discussion, these issues can not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: July 24, 2001.

Peter H. Fricke,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 01-18829 Filed 7-26-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071101G]

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of committee meeting.

SUMMARY: The North Pacific Fishery Management Council's (Council) committee formed to study reasonable and prudent alternatives (RPAs) for Steller sea lion protection in Alaska fisheries will meet in Juneau, AK.

DATES: The meeting will be held on August 23-24, 2001. The meeting will begin at 8 a.m. on Thursday, August 23rd, and continue on Friday, August 24th.

ADDRESSES: The meeting will be held at the Federal Building, 709 W. 9th Street, in the NMFS Conference Room, 4th Floor, Juneau, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT: David Witherell, NPFMC, 907-271-2809.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review the draft Environmental Impact Statement and Biological Opinion;

2. Consider possible Gulf of Alaska pollock season date changes and apportionments of Total Allowable Catch; and

3. Recommend any modifications to the Committee's preferred alternative for an area and fishery-specific approach, if necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens

Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907-271-2809, at least 5 working days prior to the meeting date.

Dated: July 13, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 01-18831 Filed 7-26-01; 8:45 am]

BILLING CODE 3510-22-S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in Romania

July 24, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: July 31, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the U.S. Customs website at <http://www.customs.ustreas.gov>. For information on embargoes and quota reopenings, refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing and special shift.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff

Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 77594, published on December 12, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 24, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 5, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products produced or manufactured in Romania and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on July 31, 2001, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit ¹
315	2,971,154 square meters.
435	16,079 dozen.
443	79,341 numbers.
444	10,598 numbers.
604	1,841,874 kilograms.

¹ The limits have not been adjusted to account for any imports exported after December 31, 2000.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01-18784 Filed 7-26-01; 8:45 am]

BILLING CODE 3510-DR-S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Denial of Participation in the Special Access Program

July 24, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs suspending participation in the Special Access Program.

EFFECTIVE DATE: August 1, 2001.

FOR FURTHER INFORMATION CONTACT: Lori E. Mennitt, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The Committee for the Implementation of Textile Agreements (CITA) has determined that Tuxedo Junction, Inc. has violated the requirements for participation in the Special Access Program, and has suspended Tuxedo Junction, Inc. from participation in the Program for the two-year period August 1, 2001 through July 31, 2003.

Through the letter to the Commissioner of Customs published below, CITA directs the Commissioner to prohibit entry of products under the Special Access Program by or on behalf of Tuxedo Junction, Inc. during the period August 1, 2001 through July 31, 2003, and to prohibit entry by or on behalf of Tuxedo Junction, Inc. under the Program of products manufactured from fabric exported from the United States during that period.

Requirements for participation in the Special Access Program are available in **Federal Register** notice 63 FR 16474, published on April 3, 1998.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 24, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: The purpose of this directive is to notify you that the Committee for the Implementation of Textile Agreements has suspended Tuxedo Junction, Inc. from participation in the Special Access Program for the period August 1, 2001 through July 31, 2003. You are therefore directed to prohibit entry of products under the Special Access Program by or on behalf of Tuxedo Junction, Inc. during the period August 1, 2001 through July 31, 2003. You are further directed to prohibit entry of products under the Special Access Program by or on behalf of Tuxedo Junction, Inc. manufactured from fabric exported from the United States during the period August 1, 2001 through July 31, 2003.

Sincerely,
D. Michael Hutchinson,
Acting Chairman, Committee for the Implementation of Textile Agreements.
[FR Doc.01-18783 Filed 7-26-01; 8:45 am]

BILLING CODE 3510-DR-S

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Reinstatement of Approval of Information Collection Requirements—Safety Standard for Bicycle Helmets

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the **Federal Register** of March 21, 2001 (66 FR 15847), the Consumer Product Safety Commission published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) to announce the agency's intention to seek an extension of approval of the collection of information in the safety standard for bicycle helmets (16 CFR part 1203). These regulations establish testing and recordkeeping requirements for manufacturers and importers of bicycle helmets subject to the standard. One comment, discussed below, was received from Troxel Cycling and Fitness, LLC ("Troxel"). The Commission now announces that it has submitted to the Office of Management and Budget a request for reinstatement of approval of that collection of information without change for a period of three years from the date of approval.

SUPPLEMENTARY INFORMATION: In 1994, Congress passed the "Child Safety Protection Act," which, among other things, included the "Children's Bicycle Helmet Safety Act of 1994" (Pub. L. 103-267, 108 Stat. 726). This law directed the Commission to issue a final standard applicable to bicycle helmets that would replace several existing voluntary standards with a single uniform standard that would include provisions to protect against the risk of helmets coming off the heads of bicycle riders, address the risk of injury to children, and cover other issues as appropriate. The Commission issued the final bicycle helmet standard in 1998. It is codified at 16 CFR part 1203.

The standard requires all bicycle helmets manufactured after March 10, 1999, to meet impact-attenuation and other requirements. The standard also contains testing and recordkeeping requirements to ensure that bicycle helmets meet the standard's requirements. Certification regulations implementing the standard require manufacturers, importers, and private labelers of bicycle helmets subject to the standard to (1) perform tests to demonstrate that those products meet the requirements of the standard, (2) maintain records of those tests, and (3) affix permanent labels to the helmets

stating that the helmet complies with the applicable standard. The certification regulations are codified at 16 CFR part 1203, Subpart B.

The Commission uses the information compiled and maintained by manufacturers, importers, and private labelers of bicycle helmets subject to the standard to help protect the public from risks of injury or death due to head injury associated with bicycle riding. More specifically, this information helps the Commission determine whether bicycle helmets subject to the standard comply with all applicable requirements. The Commission also uses this information to obtain corrective actions if bicycle helmets fail to comply with the standard in a manner that creates a substantial risk of injury to the public.

Troxel comments that it generally supports the standard and the need for the Commission to enforce the standard. Troxel's specific comments and CPSC's responses are discussed below.

(1) First, Troxel comments that the Commission's estimate in the first **Federal Register** notice of an average annual burden of 1000 hours per manufacturer or importer may be too high. This would be because firms with only one or two models would need to test less, and firms that have been doing some level of testing to a voluntary standard would not have a large amount of additional work to test to the CPSC standard.

In response to this comment CPSC points out that the estimate of burden hours is based on an estimate of the total burden to the industry. The Commission recognizes that some firms may have a larger burden and some would have a smaller burden.

(2) Troxel comments that a full annual series of tests should not be required unless there is a significant change in the design or manufacture of the product.

In response, CPSC notes that testing for certification under the regulation is done by production lot; there is no requirement for annual testing. Manufacturers and importers may define their own reasonable testing programs by production lots. It is their responsibility to determine how the production lot is defined. Sample bicycle helmets from each production lot are tested to all the requirements of the standard prior to the production lot being certified as complying. Whenever there is a change in parts, suppliers of parts, or production methods, and the change could affect the ability of the helmet to comply with the standard, the manufacturer must establish a new production lot for testing.

(3) Troxel comments that only electronic records of the test should be required, and not paper copies.

The records required by the certification requirements of the regulation may be in any appropriate form or format that clearly provides the required information. Certification test results may be kept on paper, microfiche, computer disk, or other retrievable media. The records can be made available to the Commission upon request on paper, or via electronic mail, in the same format as paper copies.

4. Troxel contends that "bicycle helmets are manufactured and advertised as single-impact products. Once a helmet receives a significant blow, it should be replaced. Despite this, the standard calls for four impacts to each of four test helmets. No matter how carefully the later impact locations are selected, the early impacts do limit the capabilities of the helmet during later impacts." Troxel asserts that most helmets that are involved in accidents receive either a single impact or two impacts. Almost never are there three or more impacts to the helmet in any accident. Troxel suggests that the number of impacts per helmet be reduced to two, and that the number of test helmets be doubled so that a set of test helmets receives the same number of total impacts.

The CPSC bicycle helmet standard was initiated by the Children's bicycle Helmet Safety Act of 1994. (Pub. L. 103-267, 108 Stat. 726.) This Act directed the Commission to review existing voluntary standards for bicycle helmets and, based on that review, establish a CPSC mandatory standard. The voluntary standards at the time, and every previous and subsequent edition of these standards, specify four impacts per helmet. The requirement for four impacts during testing assures a level of performance for the helmet design and is not intended to mirror actual use conditions. During development of this regulation, the details of the testing procedures were examined thoroughly and the interested parties, including Troxel, had the opportunity to comment on the tests during the comment period. In response to concerns that the curbstone impact test was severe and did affect the results of subsequent impacts, that test is performed on a separate helmet, but the other impacts are performed on a single sample. The locations of the four impacts are specified to minimize the effects of prior impacts on subsequent ones, and testing during the development of the standard confirmed this. To perform the four impacts on two samples instead of one would constitute a late change in the

scope of the testing that was defined and confirmed during development of the regulation. Four impacts with the required separation provide an economical as well as practical means of evaluating the safety of today's helmets.

Studies have shown that bicycle helmets that conform to one or more of the voluntary standards are very effective in reducing the chance of serious head and brain injuries. The Harborview Injury Prevention and Research Center conducted two studies that are often cited. Harborview reported that a bike helmet that conforms to a voluntary standard can reduce the risk of head injury by up to 85 percent and reduce the risk of brain injury by up to 88 percent. A reduction in the number of impacts per helmet from four to two would be a significant deviation from the test procedure that has been in use for bicycle helmets for over 15 years.

Additional Information About the Request for Reinstatement of Approval of Information Collection Requirements

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Safety Standard for Bicycle Helmets (16 CFR Part 1203).

Type of request: Reinstatement of approval.

General description of respondents: Manufacturers, importers, and private labelers of bicycle helmets.

Estimated number of respondents: 30.

Estimated average number of hours per respondent: 1,000 hours per year.

Estimated cost of collection for all respondents: Unknown.

Comments: Comments on this request for reinstatement of approval of information collection requirements should be submitted by August 27, 2001 to (1) The Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for CPSC, Office of Management and Budget, Washington DC 20503; telephone: (202) 395-7340, and (2) the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207. Written comments may also be sent to the Office of the Secretary by facsimile at (301) 504-0127 or by e-mail at cpsc-os@cpsc.gov. Copies of this request for extension of the information collection requirements and supporting documentation are available from Linda Glatz, management and program analyst, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504-0416, extension 2226, or by e-mail to lglatz@cpsc.gov.

Dated: July 23, 2001.

Todd A. Stevenson,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 01-18690 Filed 7-26-01; 8:45 am]

BILLING CODE 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Extension of Approval of Information Collection Requirements—Recordkeeping Requirements Under the Safety Regulations for Full-Size Cribs

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the April 30, 2001 **Federal Register** (66 FR 21374), the Consumer Product Safety Commission published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) to announce the agency's intention to seek an extension of approval of information collection requirements in the safety regulations for full-size cribs (16 CFR 1500.18(a)(13) and part 1508). The Commission now announces that it has submitted to the Office of Management and Budget a request for extension of approval of that collection of information.

These regulations were issued to reduce hazards of strangulation, suffocation, pinching, bruising, laceration, and other injuries associated with full-size cribs. The regulations prescribe performance, design, and labeling requirements for full-size cribs. They also require manufacturers and importers of those products to maintain sales records for a period of three years after the manufacture or importation of full-size cribs. If any full-size cribs subject to provisions of 16 CFR 1500.18(a)(13) and part 1508 fail to comply in a manner severe enough to warrant a recall, the required records can be used by the manufacturer or importer and by the Commission to identify those persons and firms who should be notified of the recall.

Additional Information About the Request for Extension of Approval of Information Collection Requirements

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Recordkeeping Requirements for Full-Size Baby Cribs, 16 CFR 1508.10.

Type of request: Extension of approval.

Frequency of collection: Varies, depending upon volume of products manufactured, imported, or sold.

General description of respondents: Manufacturers and importers of full-size cribs.

Estimated Number of respondents: 54.

Estimated average number of responses per respondent: 1 per year.

Estimated number of responses for all respondents: 54 per year.

Estimated number of hours per response: 5.

Estimated number of hours for all respondents: 270 per year.

Estimated cost of collection for all respondents: \$3,645.

Comments: Comments on this request for extension of approval of information collection requirements should be submitted by August 27, 2001 to (1) Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for CPSC, Office of Management and Budget, Washington DC 20503; telephone: (202) 395-7340, and (2) the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207. Comments may also be sent to the Office of the Secretary by facsimile at (301) 504-0127 or by e-mail at cpsc-os@cpsc.gov.

Copies of this request for an extension of an information collection requirement are available from Linda L. Glatz, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504-0416, extension 2226; or by e-mail to lglatz@cpsc.gov.

Dated: July 23, 2001.

Todd A. Stevenson,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 01-18691 Filed 7-26-01; 8:45 am]

BILLING CODE 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Extension of Approval of Information Collection Requirements—Testing and Recordkeeping Requirements Under the Standard for the Flammability of Mattresses and Mattress Pads

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the April 30, 2001 *Federal Register* (66 FR 21375), the Consumer Product Safety Commission published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) to announce the agency's intention to seek an extension

of approval of information collection requirements in the Standard for the Flammability of Mattresses and Mattress Pads (16 CFR part 1632).

The Commission now announces that it has submitted to the Office of Management and Budget a request for extension of approval of that collection of information.

The standard is intended to reduce unreasonable risks of burn injuries and deaths from fires associated with mattresses and mattress pads. The standard prescribes a test to assure that a mattress or mattress pad will resist ignition from a smoldering cigarette. The standard requires manufacturers to perform prototype tests of each combination of materials and construction methods used to produce mattresses or mattress pads and to obtain acceptable results from such testing. Sale or distribution of mattresses without successful completion of the testing required by the standard violates section 3 of the Flammable Fabrics Act (15 USC 1192). An enforcement rule implementing the standard requires manufacturers to maintain records of testing performed in accordance with the standard and other information about the mattress or mattress pads which they produce.

Additional Information About the Request for Extension of Approval of Information Collection Requirements

Agency address: Consumer Product Safety Commission, Washington, D.C. 20207.

Title of information collection: Testing and Recordkeeping Requirements Under the Standard for the Flammability of Mattresses and Mattress Pads, 16 CFR Part 1632.

Type of request: Extension of approval.

Frequency of collection: Varies, depending upon the number of individual combinations of materials and methods of construction used to produce mattresses.

General description of respondents: Manufacturers and importers of mattresses and mattress pads.

Estimated Number of respondents: 850.

Estimated number of hours for all respondents: 22,100 per year.

Estimated cost of collection for all respondents: \$298,350.

Comments: Comments on this request for extension of approval of information collection requirements should be submitted by August 27, 2001 to (1) the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for CPSC, Office of Management and Budget, Washington DC 20503;

telephone: (202) 395-7340, and (2) the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207. Comments may also be sent to the Office of the Secretary by facsimile at (301) 504-0416 or by e-mail at cpsc-os@cpsc.gov

Copies of this request for an extension of an information collection requirement are available from Linda L. Glatz, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504-0416, extension 2243, or by e-mail to lglatz@cpsc.gov.

Dated: July 23, 2001.

Todd Stevenson,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 01-18692 Filed 7-26-01; 8:45 am]

BILLING CODE 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Extension of Approval of Information Collection Requirements; Recordkeeping Requirements Under the Safety Regulations for Non-Full-Size Cribs

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the April 30, 2001 *Federal Register* (66 FR 21373), the Consumer Product Safety Commission published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) to announce the agency's intention to seek an extension of approval of information collection requirements in the safety regulations for non-full-size cribs (16 CFR 1500.18(a)(14) and part 1509). The Commission now announces that it has submitted to the Office of Management and Budget a request for extension of approval of that collection of information.

These regulations were issued to reduce hazards of strangulation, suffocation, pinching, bruising, laceration, and other injuries associated with non-full-size cribs. The regulations prescribe performance, design, and labeling requirements for non-full-size cribs. They also require manufacturers and importers of those products to maintain sales records for a period of three years after the manufacture or importation of non-full-size cribs. If any non-full-size cribs subject to provisions of 16 CFR 1500.18(a)(14) and Part 1509 fail to comply in a manner severe enough to warrant a recall, the required records can be used by the manufacturer

or importer and by the Commission to identify those persons and firms who should be notified of the recall.

Additional Information About the Request for Extension of Approval of Information Collection Requirements

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Recordkeeping Requirements Under the Safety Regulations for Non-Full-Size Baby Cribs, 16 CFR 1509.12.

Type of request: Extension of approval.

Frequency of collection: Varies, depending upon volume of products manufactured, imported, or sold.

General description of respondents: Manufacturers and importers of non-full-size cribs.

Estimated number of respondents: 16.

Estimated average number of responses per respondent: 1 per year.

Estimated number of responses for all respondents: 16 per year.

Estimated number of hours per response: 5.

Estimated number of hours for all respondents: 80 per year.

Estimated cost of collection for all respondents: \$1,080.

Comments: Comments on this request for extension of approval of information collection requirements should be submitted by August 27, 2001 to (1) Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for CPSC, Office of Management and Budget, Washington DC 20503; telephone: (202) 395-7340, and (2) the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207. Comments may also be sent to the Office of the Secretary by facsimile at (301) 504-0127 or by e-mail at cpsc-os@cpsc.gov.

Copies of this request for an extension of an information collection requirement are available from Linda L. Glatz, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504-0416, extension 2226; or by e-mail to lglatz@cpsc.gov.

Dated: July 23, 2001.

Todd A. Stevenson,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 01-18693 Filed 7-26-01; 8:45 am]

BILLING CODE 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Extension of Approval of Information Collection Requirements; Procedures for Export of Noncomplying Products

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the April 30, 2001 **Federal Register** (66 FR 21375), the Consumer Product Safety Commission published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) to announce the agency's intention to seek an extension of approval of information collection requirements in regulations codified at 16 CFR Part 1019, which establish procedures for export of noncomplying products. The Commission now announces that it has submitted to the Office of Management and Budget a request for extension of approval of that collection of information.

These regulations implement provisions of the Consumer Product Safety Act, the Federal Hazardous Substances Act, and the Flammable Fabrics Act that require persons and firms to notify the Commission before exporting any product that fails to comply with an applicable standard or regulation enforced under provisions of those laws. The Commission is required by law to transmit the information relating to the proposed exportation to the government of the country of intended destination.

Additional Information About the Request for Extension of Approval of Information Collection Requirements

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Procedures for export of noncomplying products, 16 CFR part 1019.

Type of request: Extension of approval.

Frequency of collection: Varies depending upon volume of noncomplying goods exported.

General description of respondents: Exporters of products that fail to comply with standards or regulations enforced under provisions of the Consumer Product Safety Act, the Federal Hazardous Substances Act, or the Flammable Fabrics Act.

Estimated Number of respondents: 65 per year.

Estimated average number of responses per respondent: 1.15 per year.

Estimated number of responses for all respondents: 75 per year.

Estimated number of hours per response: 1.

Estimated number of hours for all respondents: 75 per year.

Estimated cost of collection for all respondents: \$1,012.50.

Comments: Comments on this request for extension of approval of information collection requirements should be submitted by August 27, 2001 to (1) Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for CPSC, Office of Management and Budget, Washington DC 20503; telephone: (202) 395-7340, and (2) the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207. Comments may also be sent to the Office of the Secretary by facsimile at (301) 504-0416 or by e-mail at cpsc-os@cpsc.gov.

Copies of this request for an extension of an information collection requirement are available from Linda L. Glatz, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504-0416, extension 2226, or by e-mail to lglatz@cpsc.gov.

Dated: July 23, 2001.

Todd A. Stevenson,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 01-18694 Filed 7-26-01; 8:45 am]

BILLING CODE 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

Privacy Act of 1974; Announcement of System of Records

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of system of records.

SUMMARY: The Consumer Product Safety Commission is publishing notice of a system of records, CPSC-11, for the records generated by our digital access security system.

DATES: Comments must be received on or before September 25, 2001.

ADDRESSES: Comments should be sent to the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Joseph F. Rosenthal, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207. Telephone: (301) 504-0980.

SUPPLEMENTARY INFORMATION: The Commission uses centrally managed electronic locks and elevator controls to control access to various parts of its facilities at different times of the day or different days of the week. The locks

can be opened, or elevator call buttons enabled, by passing an appropriate card through a card reader, or by passing a so-called "fob" past an adjacent reader. The cards and fobs, generically referred to as tokens, have internal codes which identify the person to whom they are issued. We issue a token to each employee or contractor who requires access to areas controlled by the locks or elevator call buttons. When the card or fob is used, a central computer grants or denies access based on the privileges associated with the user. The computer also keeps a record of the time and location each time a card or fob is used.

The system of records will become effective September 25, 2001 unless comments are received which justify a contrary determination. The Congress and the Office of Management and Budget have been notified of this system.

Dated: July 23, 2001.

Todd A. Stevenson,

Acting Secretary, Consumer Product Safety Commission.

CPSC-11

SYSTEM NAME:

CPSC-11, Physical Security Records.

SYSTEM LOCATION:

Directorate for Administration, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, contractors, and other who have received uniquely coded tokens (key cards, key fobs, etc.) to gain access to various parts of Commission facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records which show the time a token has been used; the identity of the token and, therefore, of the person to whom it is assigned; the location at which it has been used; and the access privileges of the person to whom it is assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

These records may be used to investigate breaches of security, theft, vandalism, other property losses, criminal offenses, and employee misconduct.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed:

1. To a law enforcement agency when the Commission becomes aware of an

indication of a violation of civil or criminal law or regulation to which these records may be pertinent.

2. To the Department of Justice, a court or other tribunal (including an adjudicative or administrative body), or other third-party before such tribunal when the Commission determines that the use of these records by the entity is relevant and necessary to litigation involving the Commission or a Commission employee or former employee.

3. To an employee, an employee's attorney or other representative designated by the employee, when the Commission questions the employee's conduct based at least in part on information from this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in a central computer managed by security services contractor. Printouts are stored in locked file cabinets.

RETRIEVABILITY:

These records can be retrieved by time period, location(s), the unique identifier of a person's token, or a combination of these.

SAFEGUARDS:

These records are kept in a secure computer facility and can be retrieved only by the Commission's Physical Security Manager or designee upon request of a senior Commission official or a law enforcement officer. Printouts are stored in locked file cabinets.

RETENTION AND DISPOSAL:

These records are kept one year from the date of creation.

SYSTEM MANAGER(S) AND ADDRESS:

Physical Security Manager, Directorate for Administration, Consumer Product Safety Commission, Washington, DC 20207.

NOTIFICATION PROCEDURE:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES

Same as notification

RECORD SOURCE CATEGORIES:

These records are automatically generated when a token is passed

through or across an electronic reading device.

[FR Doc. 01-18689 Filed 7-26-01; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Release of the Notice of Availability (NOA) on the Supplemental Draft Environmental Impact Statement (EIS) on the Disposal and Reuse of the Oakland Army Base, Oakland, CA

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: This Supplemental Draft EIS was prepared by the Army in compliance with the National Environmental Policy Act (NEPA) of 1969 and the President's Council on Environmental Quality. The closure of the Oakland Army Base, Oakland, California (OARB) was mandated in accordance with the recommendations of the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, as amended (the "BRAC law"). The NOA on the Army's original Draft EIS was published on November 19, 1999 (64 FR 63313). From January 2000 through May 2001, the Oakland Base Reuse Authority (OBRA) revised its Final Draft Reuse Plan to accommodate local planning requirements, resulting in an Amended Draft Final Reuse Plan. This Supplemental Draft EIS is prepared to address the analysis required of the OBRA Amended Draft Final Reuse Plan. **DATES:** The review period for the Supplemental Draft EIS will end 45 days after publication of the NOA in the **Federal Register** by the U.S. Environmental Protection Agency.

ADDRESSES: Questions and/or written comments regarding the Supplemental Draft EIS, or a request for a copy of the document may be directed to: Dr. Robert L. Koenigs, U.S. Army Corps of Engineers, Sacramento District (CESPK-PD), 1325 J Street, Sacramento, California 95814-2922.

FOR FURTHER INFORMATION CONTACT: Dr. Robert L. Koenigs at (916) 557-6712; by facsimile at (916) 557-7856; or by e-mail at rkoenigs@spk.usace.army.mil.

SUPPLEMENTARY INFORMATION: The Supplemental Draft EIS analyzes three alternative courses of action with respect to the disposal and subsequent reuse of the 425 acres (371 land acres and 54 submerged land acres) comprising the OARB: (1) The no action disposal alternative, under which the property would be maintained in a

caretaker status after closure; (2) the unencumbered disposal alternative, under which the Army would transfer the property without encumbrances, such as environmental restrictions and easements; and (3) the encumbered disposal alternative, under which the Army would transfer the property with various environmental restrictions and easements, limiting the future use of the property. The Supplemental Draft EIS also analyzes the potential environmental and socioeconomic consequences of a range of community reuse alternatives: (1) Low intensity reuse alternative; (2) low-medium intensity reuse alternative; (3) medium intensity reuse alternative; (4) medium-high intensity reuse alternative; (5) medium-high/high intensity reuse alternative; (6) high intensity reuse alternative; and (7) very-high intensity reuse alternative.

This Supplemental Draft EIS concludes the no action alternative is not reasonable because the BRAC law mandates closure of the OARB, and the Army has no requirement to retain the property. This Supplemental Draft EIS also concludes that the unencumbered disposal alternative is not feasible given environmental conditions and legal requirements.

The Army's preferred alternative course of action is the encumbered disposal of excess property. Possible encumbrances include: covenants and restrictions pertaining to asbestos-containing material; lead-based paint; biological resources; historic properties; future remedial activities after transfer; infrastructure easements; and rights-of-way.

This Supplemental Draft EIS analyzes community reuse of the OARB property as a secondary action resulting from closure and disposal by the Army. While the Army does not control the community's reuse of the property, under NEPA, the Army is required to analyze the reasonably foreseeable impacts of its disposal action. The local community has established the OBRA to develop and implement a reuse plan for the installation. Approval and implementation of the reuse plan are within the discretion of the OBRA.

In response to required local coordination of federal projects under the Coastal Zone Management Act (CZMA), the San Francisco Bay Conservation and Development Commission (BCDC) indicated that the Final Draft Reuse Plan inconsistently allocated non-maritime uses to "port priority use areas" as designated under the San Francisco Bay Plan and Seaport Plan, the key planning documents of the San Francisco Coastal Zone

Management Program (CZMP). To ensure proper compliance with the CZMP and CZMA, the Army temporarily suspended the NEPA process while OBRA, in consultation with the Port of Oakland, City of Oakland, Oakland Redevelopment Agency, and BCDC, worked to revise its Final Draft Reuse Plan and request an amendment to the Bay and Seaport Plans. In April 2001, the OBRA Governing Body approved an Amended Draft Final Reuse Plan. The BCDC also amended the Bay Plan and Seaport Plan to allow some areas originally designated "port priority use areas" to be used for non-maritime purposes. In May 2001, the BCDC agreed with the Army's determination that the proposed disposal and reuse of the OARB under the Amended Draft Final Reuse Plan is consistent with the amended Bay and Seaport Plans, and meets the requirements of the CZMP and CZMA. The detailed analysis of the incorporated Amended Final Draft Reuse Plan has been included as a new chapter in the Supplemental Draft EIS to accommodate public review and comment.

Comments on the Supplemental Draft EIS received during the 45-day public comment period will be considered in preparing the Army's Final EIS and Record of Decision. Copies of the Supplemental Draft EIS are available for review at the following libraries: (1) Oakland Public Library Main Branch, Science, Social Science and Documents Section, 125 Fourteenth Street, Oakland, California 94612; (2) West Oakland Branch Library, 1801 Adeline Street, Oakland, California 94607; and (3) Base Transition Office, 2475-D West 12th Street, Oakland, California 94607.

Dated: July 20, 2001.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) OASA (I&E).

[FR Doc. 01-18730 Filed 7-26-01; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Office of Arms Control and Nonproliferation

Proposed Subsequent Arrangement

AGENCY: Department of Energy.

ACTION: Subsequent Arrangement.

SUMMARY: This notice is being issued under the authority of section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160). The Department is providing notice of a proposed

"subsequent arrangement" under Article 10 paragraph 3 of the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Korea Concerning Civil Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Argentine Republic Concerning Peaceful Uses of Nuclear Energy.

This subsequent arrangement concerns the retransfer of 9.3 kilograms of atomized depleted uranium-molybdenum powder, 0.22 percent enrichment, from the Korea Atomic Energy Research Institute (KAERI) to the Comision Nacional de Energia (CNEA). The material, which is located at and was prepared by KAERI, will be used for the formability test of plate-type nuclear fuel as part of a Reduced Enrichment for Research and Test Reactors (RERTR) program. The material originally was transferred to KAERI by Comet Industrial Corp. pursuant to Export License Number XSOU8765.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, we have determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the publication of this notice.

Dated: July 23, 2001.

For the Department of Energy.

Trisha Dedik,

Director, Office of Nonproliferation Policy for Nonproliferation and International Security, Office of Defense Nuclear Nonproliferation.

[FR Doc. 01-18771 Filed 7-26-01; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

[FE Docket No. PP-229]

Notice Extending the Public Scoping Period; Tucson Electric Power Company

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Department of Energy (DOE) announces the extension of the scoping period for the environmental impact statement (EIS) that DOE is preparing in connection with an application for a Presidential permit filed by the Tucson Electric Power Company.

DATES: The scoping period on the EIS is extended until August 31, 2001.

ADDRESSES: Written comments should be submitted to: Dr. Jerry Pell, NEPA Document Manager, Office of Fossil Energy (FE-27), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington DC 20585-0350; telephone 301-903-2617; facsimile: 202-318-7761; or electronic mail at Jerry.Pell@hq.doe.gov.

For general information on the DOE's NEPA process, contact: Carol Borgstrom, Director, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington DC 20585; telephone: 202-586-4600; or leave a message at 800-472-2756.

SUPPLEMENTARY INFORMATION: On August 17, 2000, TEP filed an application with the Office of Fossil Energy (FE) of DOE for a Presidential permit to construct a double-circuit, 345,000-volt electric transmission line across the U.S.-Mexican border. Both circuits would be constructed on a single set of support structures. DOE has determined that the issuance of a Presidential permit for this project would constitute a major Federal action that may have a significant impact upon the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). For this reason, DOE will prepare an EIS to address reasonably foreseeable impacts from the proposed action and the range of reasonable alternatives.

On July 10, 2001, DOE published in the **Federal Register** (66 FR 35950) a Notice of Intent (NOI) to prepare an EIS and to conduct public scoping meetings in the vicinity of the proposed line. The public scoping period was to continue until August 9, 2001. However, to ensure that the public has ample opportunity to provide comments, DOE is extending until August 31, 2001, the period during which it will receive comments for consideration in establishing the scope and content of the EIS. Comments received after August 31, 2001, will be considered to the extent practicable. Further information on this proceeding is contained in the previously published NOI.

Issued in Washington, DC, on July 24, 2001.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Import/Export, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 01-18810 Filed 7-26-01; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 184-065]

El Dorado Irrigation District, California; Notice of Public Meeting

July 23, 2001.

The Federal Energy Regulatory Commission (Commission) is reviewing the application for a new license for the El Dorado Project (FERC No.184), which was filed on February 22, 2000. The El Dorado Project, licensed to the El Dorado Irrigation District (EID), is located on the South Fork American River, in El Dorado, Alpine, and Amador Counties, California. The project occupies lands of the Eldorado National Forest.

The EID, several state and Federal agencies, and several non-governmental agencies have agreed to ask the Commission for time to work collaboratively with a facilitator to resolve certain issues relevant to this proceeding. The purpose of this two-day meeting is to prepare a request to the Commission for time to conduct collaborative discussions and to develop protocols by which the collaborative group would operate. We invite the participation of all interested governmental agencies, non-governmental organizations, and the general public in this meeting.

The meeting will be held on Monday, August 6 and Tuesday, August 7, 2001, from 9 am until 4 pm in the Marriott Sacramento, located at 11211 Point East Drive, Rancho Cordova, California.

For further information, please contact Elizabeth Molloy at (202) 208-0771 or John Mudre at (202) 219-1208.

David P. Boergers,
Secretary.

[FR Doc. 01-18775 Filed 7-26-01; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01-105-000]

The New Power Company, Complainant v. PJM Interconnection, L.L.C., Respondent; Notice of Complaint

July 20, 2001.

Take notice that on July 19, 2001, The New Power Company (New Power) filed a complaint requesting that the Commission find that (1) the rules for

ensuring reliable electric service in the Pennsylvania-New Jersey-Maryland (PJM) control area have resulted in prices for capacity in the PJM auction and bilateral markets that are unjust and unreasonable, and (2) the continued imposition of the existing capacity requirement and deficiency charge on load serving entities (LSEs) under the current changed circumstances resulting from restructuring, is unjust and unreasonable, and unduly discriminatory and preferential. New Power further requests that the Commission order PJM to eliminate immediately the recently imposed seasonal deficiency penalty and set the Capacity Deficiency Rate (CDR) on a daily basis at the higher of the marginal cost of the least efficient capacity resource required to make up the deficiency on that day or the Alternate Value, i.e., the difference between the energy prices on that day at the Cinergy Hub and PJM's Western Hub.

New Power requests that the Commission set a refund effective date of 60 days from the date of filing of its complaint.

Copies of New Power's filing were served on PJM, all parties to PJM's Reliability Assurance Agreement and each state electric utility regulatory commission in the PJM control area.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before August 3, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Answers to the complaint shall also be due on or before August 3, 2001. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at <http://www.ferc.gov> using the "RIMS" link, select "Docket#" and follow the instructions (call 202-208-2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the

instructions on the Commission's web site under the "e-Filing" link.

David P. Boergers,
Secretary.

[FR Doc. 01-18772 Filed 7-26-01; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01-400-000]

Transcontinental Gas Pipe Line Corporation; Notice of Application

Issued July 23, 2001.

Take notice that on July 12, 2001, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas, 77251, filed in Docket No. CP01-400-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation of natural gas provided under Transco's Rate Schedules X-158 and X-253 for Southern Natural Gas Company (Southern). Copies of this filing are on file with the Commission and open to public inspection. This filing may be viewed at the Commission's web site at <http://www.ferc.gov> using the "RIMS" link, select "Docket #" and follow the instructions (call 202-208-2222 for assistance).

Applicant states that it has not transported gas pursuant to Rate Schedule X-158 since 1989 and Rate Schedule X-253 since 1994. Applicant asserts that it does not propose to abandon any facility pursuant to the authorization sought herein and that no service to any of its customers will be affected by the abandonment authorization requested herein. Further, Applicant asserts there is no outstanding imbalance due any party. By letter signed December 6, 2000 Southern has consented to the proposed abandonment.

Any person desiring to be heard or to protest this application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, on or before August 10, 2001, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to the proceeding or to participate as a

party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under "e-Filing" link.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein. At that time, the Commission, on its own review of the matter will determine whether granting the abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

David P. Boergers,
Secretary.

[FR Doc. 01-18773 Filed 7-26-01; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, Protests Recommendations, and Terms and Conditions

July 23, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Conduit Exemption.

b. *Project No:* 12072-000.

c. *Date Filed:* July 2, 2001.

d. *Applicant:* American Falls Reservoir District No. 2/ Big Wood Canal Company.

e. *Name of Project:* 933 Hydroelectric Project.

f. *Location:* The proposed project would be located on the North Gooding Main Canal in Lincoln County, Idaho. The applicant is an irrigation district that owns the canal system and the

lands the powerhouse and diversion would occupy. The penstock would cross federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Lynn Harmon, Manager, American Falls Reservoir District No. 2/Big Wood Canal Company, P.O. Box C, Shoshone, ID 83352. (208) 866-2331

i. *FERC Contact:* Mr. Lynn R. Miles, Sr. (202) 219-2671.

j. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see the following paragraphs about filing responsive documents.

k. *Deadline for filing motions to intervene, protests and comments:* September 4, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Please include the Project Number (12072-000) on any comments, protests, motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Project:* The proposed project would consist of: (1) A 4-foot-high 50-foot-long diversion structure, (2) a 4-foot-high 6-foot-wide 20-foot-long concrete reinforced inlet, (3) an 8-foot-diameter 1900-foot-long steel penstock, (4) a powerhouse containing one turbine/generating unit with an installed capacity of 720 kW, (5) primary transmission lines extending from the powerhouse to Idaho Power Company's 46 kv transmission line approximately 3 miles away, and (6) appurtenant facilities.

The project would have an annual generation of 2.7 GWh.

m. Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the Commission's web site at <http://www.ferc.gov> using the "RIMS" link, select "Docket #" and follow the instructions ((202)208-2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the "e-Filing" link. A copy is

also available for inspection and reproduction at the address in item h above.

Development Application—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 30 days from the issuance date of this notice. All reply comments must be filed with the Commission within 45 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary

circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

David P. Boergers,
Secretary.

[FR Doc. 01-18774 Filed 7-26-01; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene and Protests

July 23, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Amendment of license.

b. *Project No.:* 2192-009.

c. *Date Filed:* June 20, 2001.

d. *Applicant:* Consolidated Water Power Company.

e. *Name of Project:* Biron Project.

f. *Location:* On Halladay Creek, on the Wisconsin River, near the town of Plover, Portage County, Wisconsin. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r)

h. *Applicant Contact:* Mr. Mark Anderson, Consolidated Water Power Company, P.O. Box 8050, Wisconsin Rapids, WI 54495-8050, (715) 422-3927.

i. *FERC Contact:* Michael Spencer, michael.spencer@FERC.fed.us, (202) 219-2846.

j. *Deadline for filing comments, motions to intervene and protests:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The licensee requests an amendment to its license to: (1) Transfer to the Mirant Portage County a parcel of project land containing a total of 1.0 acres for construction of a pumping facility and 36-inch-diameter intake pipe; and (2) grant an easement to the Mirant Portage County for a 7.2 million gallons per day (MGD) maximum water withdrawal rate through the facility. Of the 7.2 MGD, up to 2.0 MGD, would be returned after use, to the point of withdrawal. The water would be used for cooling purposes at the proposed combined cycle generating plant.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, D.C. 20246, or by calling (202) 208-1371. The application may be viewed on the web at <http://www.ferc.gov> using the "RIMS" link-select "Docket#" and follow the instructions (call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h. above.

m. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the "e-filing" link.

David P. Boergers,
Secretary.

[FR Doc. 01-18776 Filed 7-26-01; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

July 23, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* New Minor License.

b. *Project No.:* P-6058-005.

c. *Date Filed:* January 2, 2001.

d. *Applicant:* Hydro Development Group, Inc.

e. *Name of Project:* Halesboro #4.

f. *Location:* On the Oswegatchie River in St. Lawrence County, near the Town of Gouverneur, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Kevin M. Webb, Hydro Development Group, Inc., 200 Bulfinch Drive, Andover, MA 01810, (978) 681-1900 ext. 1202.

i. *FERC Contact:* Charles T. Raabe (202) 219-2811 or E-mail address at Charles.Raabe@FERC.fed.us.

j. *Deadline Date:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Motions to intervene and protests may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site (<http://www.ferc.gov>) under the "e-Filing" link.

k. *Description of Project:* The existing, operating Halesboro #4 Project consists of: (1) A concrete gravity-type dam comprising: (i) The 92-foot-long, 14-foot-high Dam #1 surmounted by a pneumatic gate; and (ii) the 58-foot-long, 5-foot-high Dam #2 surmounted by flashboards; (2) a reservoir with a 2.0-acre surface area and a gross storage volume of 20 acre-feet at normal water surface elevation 461 feet NGVD; (3) a gated intake structure with trashracks; (4) a 170-foot-long concrete-lined forebay canal; (5) a powerhouse containing a 640-kW generating unit and an 850-kW generating unit for a total installed capacity of 1,490 kW; (6) a 2.4/23-kV substation; (7) a 50-foot-long, 23-kV transmission line; (8) a tailrace; and (9) appurtenant facilities. The applicant estimates that the total average annual generation would be 11.0 MWh. All generated power is sold to Niagara Mohawk Power Corporation.

l. *Locations of the Application:* A copy of the application is on file with the Commission and is available for

inspection or reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, NE., Washington, DC 20426, or by calling (202) 208-2326. A copy of the application may also be viewed on the web at <http://www.ferc.gov> using the "RIMS" link-select "Docket #" and follow the instructions (call 202-208-2222 for assistance). A copy is also available for inspection and reproduction at the Hydro Development Group, Inc., 200 Bulfinch Drive, Andover, MA 01810, (978) 681-1900 ext. 1202.

m. Status of the Application and Environmental Analysis: This application has been accepted for filing, but it is not ready for environmental analysis at this time.

n. Protests or Motions to Intervene—Anyone may submit a protest or motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

Filing and Service of Responsive Documents—All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

David P. Boergers,
Secretary.

[FR Doc. 01-18777 Filed 7-26-01; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory
CommissionNotice of Application Accepted for
Filing and Soliciting Motions To
Intervene and Protests

July 23, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

- a. *Type of Application*: New Minor License.
- b. *Project No.*: P-6059-006.
- c. *Date Filed*: January 2, 2001.
- d. *Applicant*: Hydro Development Group, Inc.
- e. *Name of Project*: Fowler #7
- f. *Location*: On the Oswegatchie River in St. Lawrence County, near the town of Gouverneur, New York.
- g. *Filed Pursuant to*: Federal Power Act 16 U.S.C. 791 (a)-825(r).
- h. *Applicant Contact*: Kevin M. Webb, Hydro Development Group, Inc., 200 Bulfinch Drive, Andover, MA 01810, (978) 681-1900 ext. 1202.
- i. *FERC Contact*: Charles T. Raabe, (202) 219-2811 or E-mail address at Charles.Raabe@FERC.fed.us.
- j. *Deadline Date*: 60 days from the date of issuance of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Motions to intervene and protests may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site (<http://www.ferc.gov>) under the "e-Filing" link.

k. *Description of Project*: The existing, operating Fowler #7 Project consists of: (1) A concrete gravity-type dam surmounted by flashboards comprising: (i) The 75-foot-long, 25-foot-high Dam #1; (ii) the 192-foot-long, 20-foot-high Dam #2; and (iii) the 154-foot-long, 15-foot-high Dam #3; (2) a reservoir with a 3.0-acre surface area and a gross storage volume of 30-acre-feet at normal water surface elevation 542 feet NGVD; (3) an

intake structure with trashracks; (4) a powerhouse containing three, 300-kW generating units for a total installed capacity of 900-kW; (5) a 1,000-kVA 2.3/23-kV transformer; (6) a 4,000-foot-long, 23-kV overhead transmission line; (7) a tailrace; and (8) appurtenant facilities. The applicant estimates that the total average annual generation would be 6.0 MWh. All generated power is sold to Niagara Mohawk Power Corporation.

1. *Locations of the Application*: A copy of the application is available for inspection or reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, NE., Washington, DC 20426, or by calling (202) 208-2326. A copy of the application may also be viewed on the web at <http://www.ferc.gov> using the "RIMS" link-select "Docket #" and follow the instructions (call 202-208-2222 for assistance). A copy is also available for inspection and reproduction at the Hydro Development Group, Inc., 200 Bulfinch Drive, Andover, MA 01810, (978) 681-1900 ext. 1202.

m. *Status of the Application and Environmental Analysis*: This application has been accepted for filing, but it is not ready for environmental analysis at this time.

n. *Protests or Motions to Intervene*—Anyone may submit a protest or motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

Filing and Service of Responsive Documents—All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each

representative of the applicant specified in the particular application.

David P. Boergers,
Secretary.

[FR Doc. 01-18778 Filed 7-26-01; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION
AGENCY

[FRL-7017-8]

Agency Information Collection
Activities: Proposed Collection;
Comment Request; "Reliability,
Validity, and Variability in Behavioral
Determinants of Drinking Water
Disinfection By-Product Exposure"

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Reliability, Validity, and Variability in Behavior Determinants of Drinking Water Disinfection By-Product Exposure, EPA ICR No. 2030.01. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before September 25, 2001.

ADDRESSES: Interested persons may obtain a copy of the ICR without charge by contacting or e-mailing a request to Dr. Patricia Murphy, U.S. Environmental Protection Agency, Office of Research and Development, National Center for Environmental Assessment, Mail Code 104, 2890 Woodbridge Avenue, Bldg. 10, Edison, NJ 08837-3679; phone: 732-906-6830, fax: 732-906-6845, e-mail: murphy.patricia@epa.gov.

FOR FURTHER INFORMATION CONTACT: Dr. Patricia A. Murphy, U.S. Environmental Protection Agency, Office of Research and Development, National Center for Environmental Assessment, Mail Code 104, 2890 Woodbridge Avenue, Bldg. 10, Edison, NJ 08837-3679; phone: 732-906-6830, fax: 732-906-6845, e-mail: murphy.patricia@epa.gov

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which participate in the parent AWWARF Study.

Title: Reliability, Validity, and Variability in Behavior Determinants of Drinking Water Disinfection By-Product Exposure, EPA ICR No. 2030.01.

Abstract: This study aims to characterize the reliability, validity, and variability of questionnaire-based information on water usage patterns collected in environmental epidemiologic studies. The study builds on a recently funded study entitled, "Drinking Water Disinfectant By-products and Spontaneous Abortion," funded by the American Water Works Association Research Foundation (AWWARF) which was recently initiated. The present study will add a substudy component to the parent AWWARF study. It provides for reinterview of a 10% sample (300 women) of the parent study participants for a reliability substudy and an additional 10% sample (300 women) for a validity substudy. The human behavioral aspects, i.e., water usage patterns over time, that will affect one's coming into contact with an ambient level of a particular chemical, is an important source of variability and this has not been well characterized in previous drinking water epidemiology studies. Better characterization of the reliability, variability, and validity of this information, generally obtained through recall in a questionnaire, will decrease uncertainties related to misclassification of the exposure variables and enhance our ability to more clearly interpret the validity and accuracy of reported study findings. All participation and responses are voluntary. Confidentiality of responses will be maintained. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

- (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (iii) Enhance the quality, utility, and clarity of the information to be collected; and
- (iv) Minimize the burden of the collection of information on those who are to respond, including through the

use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: A total of 525 burden-hours are estimated for the study participants. 300 women will be sampled from the parent study to complete the reliability substudy. At their scheduled reinterview time in the parent study, they will be asked to repeat a section of the questionnaire on their water usage patterns to determine the accuracy of their recall from their entry response. This reporting is estimated to take approximately 15 minutes for each of 300 women, totaling approximately 75 hours of reporting time. For the second component of the study, an additional 300 women will be sampled and asked to provide, for 3 randomly selected days, a 24 hour recall response to their estimate of water consumption on the previous day, which will be compared to the amount reported at baseline in the parent study. This reporting is estimated to take approximately 30 minutes for 3 occasions for each of 300 women, totaling approximately 450 hours of reporting time. All participants will receive an incentive payment for their time. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: July 18, 2001.

Art Payne,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 01-18823 Filed 7-26-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7018-9]

Agency Information Collection Activities: Proposed Collection; Comment Request; Clean Water Needs Survey, EPA ICR No. 0318.09, OMB Control No. 2040-0050, Expiration Date December 31, 2001

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Clean Water Needs Survey, EPA ICR No. 0318.09, OMB Control No. 2040-0050, expiration date December 31, 2001.

Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before September 25, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 0318.09, OMB Control No. 2040-0050 to the following address: Sandra Perrin; U.S. EPA; Office of Water; Office of Wastewater Management; Municipal Support Division; Municipal Technology Branch; (Mail Code 4204M); 1200 Pennsylvania Avenue, NW; Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandra Perrin; U.S. EPA; Office of Wastewater Management; Municipal Technology Branch (Mail Code 4204M); 1200 Pennsylvania Avenue, NW; Washington, DC 20460; (202) 564-0668; Fax (202) 501-2397; E-Mail; perrin.sandra@epa.gov or download off of the Internet at <http://www.epa.gov/icr> and refer to EPA ICR 0318.09. For technical questions about the ICR please call Sandra Perrin; in the Office of Water; (202) 564-0668.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are the States, District of Columbia, Puerto Rico, Virgin Islands and Pacific Territories.

Title: Clean Water Needs Survey (OMB Control No. 2040-0050; EPA ICR No. 0318.09; expiring 12/31/2001. This is a renewal of a currently approved collection.

Abstract: The Clean Water Needs Survey is required by Sections 205(a)

and 516(b)(1) of the Clean Water Act. It is a periodic inventory of existing and proposed publicly owned wastewater treatment works (POTWS) and other water pollution control facilities in the United States, as well as an estimate of how many POTWS are needed to be built. The Clean Water Needs Survey is a voluntary joint effort of EPA and the States. The Survey records cost and technical data associated with all POTWS and other water pollution control facilities, existing and proposed, in the United States. The States provide this information to EPA. No confidential information is used, nor is sensitive information protected from release under the Public Information Act, used. EPA achieves national consistency in the final results through the application of uniform guidelines and validation techniques. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The "Clean Water Needs Surveys" OMB Control No. 2040-0050, the EPA ICR No. 0318.09.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 11,011 hours.

The frequency of response is annual with an estimated number of 56 respondents. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain or disclose, or provide information to or for a Federal Agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information; adjust the

existing data to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and search data sources, complete and review the collection of information, and transmit or otherwise disclose the information.

Dated: July 20, 2001

Michael B. Cook,

Director, Office of Wastewater Management.

[FR Doc. 01-18824 Filed 7-26-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6620-3]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 or www.epa.gov/oeca/ofa
Weekly receipt of Environmental Impact Statements
Filed July 16, 2001 Through July 20, 2001

Pursuant to 40 CFR 1506.9.

EIS No. 010253, Draft Supplement EIS, NPS, AZ, Organ Pipe Cactus National Monument General Management Plan and Development Concept Plan, Updated Information concerning Re-Analysis of Cumulative Effects on the Sonoran Pronghorn portion of the Sonoran Desert, Pima County, AZ, Comment Period Ends: September 14, 2001, Contact: Bill Wellman (520) 3877661 Ext. 7500.

EIS No. 010257, Draft Supplement, NOA, NC, FL, SC, GA, South Atlantic Region Shrimp Fishery Management Plan, Amendment 5, Additional Information concerning Rock Shrimp in the Exclusive Economic Zone (EEZ), NC, SC, FL and GA, Comment Period Ends: September 04, 2001, Contact: Dr. Joseph E. Powers (727) 570-5305. This EIS should have appeared in the FR on 07/20/2001.

The 45-Day Comment Period is Calculated from 07/20/2001.
EIS No. 010262, Draft EIS, FHW, IL, U.S. 67 (FAP-310) Expressway from Jacksonville to Macomb Transportation Improvements, NPDES and COE Section 10 and 404 Permits, Morgan, Cass, Schuyler and McDonough Counties, IL, Comment Period Ends: September 10, 2001, Contact: Norman Stoner (217) 492-4640.

EIS No. 010263, Draft EIS, AFS, CO, Bark Beetle Analysis, Proposal to Reduce Infestation of Trees by Tree-Killing Bark Beetles, Medicine Bow-

Routt National Forests, Hahans Peak/Bears Ears Ranger District, Routt, Grand, Jackson and Moffat Counties, CO, Comment Period Ends:

September 10, 2001, Contact: Andy Cadenhead (970) 870-2220.

EIS No. 010264, Draft EIS, TPT, CA, Presidio Trust Implementation Plan (PTIP), An Updated Plan for the Area B of the Presidio of San Francisco, Implementation, San Francisco Bay Area, Marin County, CA, Comment Period Ends: September 25, 2001, Contact: John Polka (415) 561-5300.

EIS No. 010265, Final EIS, BOP, AZ, Southern Arizona Federal Correctional Facility, Construction and Operation, Pima and Yuma Counties, AZ, Wait Period Ends: August 27, 2001, Contact: David J. Dorworth (202) 514-6470.

EIS No. 010266, Draft EIS, COE, SD, Title VI Land Transfer South Dakota, Transfer of 91,178 Acres of Land at Lake Oahe, Lake Sharp, Lake Francis Case, and Lewis & Clark Lake, from the US Army Corps of Engineers (USACE) to the South Dakota Department of Game, Fish and Parks (SDGFP), SD, Comment Period Ends: September 10, 2001, Contact: Patsy Freeman (402) 221-3803.

EIS No. 010267, FINAL EIS, GSA, DC, Department of Transportation Headquarters, Proposal to Lease 1.3 to 1.35 Million Rentable Square Feet of Consolidated and Upgraded Space, Five Possible Sites, Located in the Central Employment Area, Washington, D.C., Wait Period Ends: September 04, 2001, Contact: John Simeon (202) 260-5786.

EIS No. 010268, FINAL EIS, FHW, CA, CA-58 Transportation Corridor, Route Adoption and Purchases Right-of-Way Acquisition Project, between CA-99 in the Bakerfield Metropolitan Area and Interstate 5 in Kern County, Funding and COE Section 404 Permit, Kern County, CA, Wait Period Ends: August 27, 2001, Contact: C. Glenn Clinton (916) 498-5041.

EIS No. 010269, FINAL EIS, AFS, MT, NB, WY, ND, SD, Dakota Prairie Grasslands, Nebraska National Forest Units and Thunder Basin National Grassland, Land and Resource Management Plans 1999 Revisions, Implementation, MT, NB, WY, ND and SD, Wait Period Ends: January 22, 2002, Contact: Carla Loop (308) 432-0300. This document is available on the Internet at www.fs.fed.us/ngp.

EIS No. 010270, DRAFT EIS, FRC, AZ, CA, North Baja Pipeline Project, Docket Nos. CP01-22-000 and CP01-23-000, Construction and Operation A New Natural Gas Transmission Pipeline, Land Use Plan Amendment,

Right-of-Way Grant, NPDES, COE Section 10 and 404 Permits, La Praz and Yuma Counties, AZ and Imperial, Kern, Riverside, Palo Verde, San Bernardino and San Diego Counties, CA, Comment Period Ends: October 25, 2001, Contact: Paula Felt (202) 208-1088. This document is available on the Internet at <http://www.ferc.fed.us/efi/doorbell.htm>.

EIS No. 010271, Draft Supplement, USA, CA, Oakland Army Base Disposal and Reuse Plan, Implementation, City of Oakland, Alameda County, CA, Comment Period Ends: September 10, 2001, Contact: Theresa Persick Arnold (703) 697-0216.

Amended Notices

EIS No. 010258, Final EIS, GSA, DC, Bureau of Alcohol, Tobacco and Firearms National Headquarters Building, Site Acquisition, Design and Construction, Washington, D.C., Due: August 20, 2001, Contact: Dawud Abdur-Rahman (202) 260-3368. Revision of FR notice published on 07/20/2001: CEQ Comment Period Ending 08/27/2001 has been Corrected to 08/20/2001.

EIS No. 010024, Draft EIS, FAA, CA, Los Angeles International Airports, Proposed Master Plan Improvements on Runway, New Taxiways, New Terminal, New Air Cargo and Maintenance, Funding, Los Angeles, Los Angeles County, CA, Due: September 24, 2001, Contact: David B. Kessler (310) 725-3615. Revision of FR Notice Published on 02/02/2001: CEQ Review Period Ending 07/25/2001 has been Extended to 09/24/2001.

Dated: July 24, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01-18827 Filed 7-26-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6620-4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed

to the Office of Federal Activities at (202) 564-7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 2000 (65 FR 20157).

Draft EISs

ERP No. D-AFS-J65344-MT Rating EC2, Burned Area Recovery, Proposal to Reduce Fuels, Improve Watershed Conditions and Reforest Burned Lands, Sula, Darby, West Fork and Stevensville Ranger Districts, Bitterroot National Forest, Ravalli County, MT.

Summary: While EPA supports proposed watershed and road system improvements, but expressed environmental concerns about sediment production and increased water yield from fuels reduction treatment, particularly in watersheds with existing water quality impairments that were severely impacted by fire. EPA also notes the need for consistency of proposed actions with State TMDL development needs for 303(d) listed streams in the project area.

ERP No. D-AFS-L65383-ID Rating EC1, Hidden Cedar Project, Road Construction and Watershed Restoration, Idaho Panhandle National Forest, St. Joe Ranger District, Benewah, Shoshone, Clearwater and Latah Counties, ID.

Summary: EPA expressed environmental concerns about activities taking place in a watershed with impaired waters before a water quality restoration plan has been developed.

ERP No. D-BOP-E81039-00 Rating EC2, Criminal Alien Requirement (CAR) II, To Contract for a Private Contractor-Owned/Contractor-Operated Correctional Facility in Florida, Mississippi, Georgia and Alabama to House Adult-Male and Non-US Citizen, AL, FL, GA and/or MS.

Summary: EPA expressed environmental concerns regarding potential wetland impacts and Environmental Justice issues. EPA requested additional information on these issues.

ERP No. D-COE-C39015-NJ Rating EC2, Great Egg Harbor Inlet to Townsends Inlet, Storm Damage Reduction for Ocean City and Ludlam Island Utilizing Beachfill to Construct a Protective Berm and Dune, City of Ocean City, Strathmere (Township of Upper), City of Sea Isle City, Cape May County, NJ.

Summary: EPA raised concerns about potential cumulative impacts associated with the current and future Federal erosion/storm damage protection projects. EPA requested that additional information to address the issue of

cumulative effects be included in the Final EIS.

ERP No. D-NPS-D61053-VA Rating EC2, Green Spring Colonial National Historical Park Management Plan, Implementation, James City County, VA.

Summary: EPA expressed environmental concerns with the loss of approximately 20 acres of forested resources, including 8 acres of forested wetlands, impacts to groundwater quality and flow that may affect a spring and an adjacent wetland. EPA suggests minimizing impacts by siting facilities on already disturbed areas to the extend practical.

ERP No. D-TVA-E05098-TN Rating EC2, Addition of Electric Generation Baseload Capacity, Proposal to Construct a Natural Gas Fired Combined Cycle Power Plant, Franklin County, TN.

Summary: EPA's concerns related to PSD and other air quality issues, water quality, and hazardous materials. EPA requested that TVA provide additional information regarding the design and use of non-fossil fuels such as renewables in their new and repowered power plants to further minimize emissions, including greenhouse cases.

ERP No. D-USN-K11105-CA Rating LO, Point Molate Property Naval Fuel Depot (NFD) for the Disposal and Reuse, Implementation, Fleet and Industrial Supply Center, City of Richmond, Contra Costa County, CA.

Summary: EPA had no objections to the preferred disposal and reuse alternative.

ERP No. DS-FAA-B51017-MA Rating EO2, Logan Airside Improvements Planning Project (EOEA #10458), Construction and Operation of a new Unidirectional Runway ¹⁴/₃₂, Centerfield Taxiway and Add'l Taxiway Improvements, New Information Providing Clarification of the Delay Problems, Airport Layout Plan, Federal Funding and NPDES Permit, Boston Logan Int'l Airport, Boston, MA

Summary: EPA raised environmental objections to the proposed runway expansion project due to noise impacts to low income and minority communities and questioned whether the proposed runway can accommodate aircraft projected to use the airport in the future. EPA recommended peak period pricing to help alleviate congestion at the airport.

Final EISs

ERP No. F-AFS-L65341-OR Tower Fire Recovery Project, Restoration and Salvage, Implementation, Umatilla National Forest, North Fork John Day Ranger District, Umatilla and Grant Counties, OR.

Summary: EPA expressed a lack of objections to the proposal.

ERP No. F-USN-D11030-VA Marine Corps Heritage Center (MCHC) Complex, Construction and Operation at Marine Corps Base (MCB) Quantico, VA.

Summary: EPA supports the proposed action and has determined that the FEIS adequately addresses the environmental concerns related to the preferred alternative.

ERP No. F-USN-K35041-CA Naval Station (NAVSTA) San Diego Replacement Pier and Dredging Improvements, Construction, Dredging and Dredged Material Disposal, San Diego Naval Complex, San Diego, CA.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. FA-NRC-A00164-00 GENERIC—License Renewal of Nuclear Plants, Arkansas Nuclear One, Unit 1, COE Section 10 and 404 Permits, Pope County, AR (NUREG-1437).

Summary: No formal comment letter was sent to the preparing agency.

Dated: July 24, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01-18828 Filed 7-26-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7018-8]

Science Advisory Board; Notification of a Public Advisory Committee

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Arsenic Benefits Review Panel of the EPA Science Advisory Board (SAB) will conduct a public teleconference meeting Tuesday August 14, 2001 from 10 a.m.–12 noon Eastern Time.

The conference call meeting will be coordinated through a conference call connection in room 6013 Ariel Rios North (6th Floor), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue N.W., Washington, DC. The public is strongly encouraged to attend the meeting through a telephonic link, but may attend physically if arrangements are made in advance with the SAB staff. In both cases, arrangements should be made with the SAB staff by noon the Wednesday *before* the meeting. Staff may not be able to accommodate the presence of people who appear in person without advance notice. Additional instructions about how to participate in the conference call can be obtained by calling Ms. Rhonda

Fortson, Management Assistant, at (202) 564-4563, and via e-mail at: fortson.rhonda@epa.gov.

Purpose of the Meetings: The Subcommittee is preparing a report on the Arsenic Benefits assessment as announced in the **Federal Register** Notice on July 2, 2001, 66 FR 34924–34928. The purpose of the call is to allow the Subcommittee to complete its work on this issue.

Availability of the written materials in advance of the conference call meetings: The draft report will become available to the public shortly before the meeting and it will be made available to the public on request by Email before the meeting. For email copies, please contact Mr. Thomas Miller, Designated Federal Officer, at miller.tom@epa.gov.

For Further Information—Any member of the public wishing further information concerning the conference call meeting or wishing to submit brief oral comments must contact Mr. Thomas Miller, Designated Federal Officer, Science Advisory Board (1400A), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone (202) 564-4558; FAX (202) 501-0582; or via e-mail at miller.tom@epa.gov. Requests for oral comments must be *in writing* (e-mail, fax or mail) and received by Mr. Miller no later than noon Eastern Time one week prior to the meeting.

Providing Oral or Written Comments at SAB Meetings

It is the policy of the Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

Oral Comments: For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should both e-mail their comments to the DFO in MSWord and WordPerfect formats (suitable for IBM-PC/Windows 95/98) and provide 5 paper copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. *Written Comments:* Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), because this is a conference call meeting, any comments to be mailed to the Subcommittee in advance of the

meeting should be received in the SAB Staff Office by noon at least a week before the meeting. E-mailed comments will be accepted until the day before the meeting, although earlier submission is encouraged; these should be sent in both MSWord and WordPerfect comments (suitable for IBM-PC/Windows 95/98).

Meeting Access—Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact Mr. Miller at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: July 23, 2001.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 01-18822 Filed 7-26-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50875A; FRL-6791-5]

Amendment/Extension of an Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an experimental use permit (EUP) to the following pesticide applicant. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

FOR FURTHER INFORMATION CONTACT: By mail: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Office location, telephone number, and e-mail address: 1921 Jefferson Davis Hwy., Rm. 910W13, Crystal Mall #2, Arlington, VA; (703) 308-8715; e-mail address: mendelsohn.mike@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this action, consult the designated contact person listed for the individual EUP.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-50875A. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

II. EUP

EPA has issued the following EUP: 524-EUP-93. Amendment/Extension. Monsanto Company, 700 Chesterfield Parkway North, St. Louis, MO 63198. This EUP allows the shipment of 7.4 pounds of the Cry3Bb protein insecticide in seeds shipped *Bacillus thuringiensis* Cry3Bb protein and the genetic material necessary for its production (Vector ZMIR13L) in corn plants on 4,000 acres of field corn for trials in 1) Breeding and observation nursery, 2) inbred seed increase production, 3) line per se and hybrid yield trial, 4) insect efficacy trials, 5) product characterization, performance and labeling trials, 6) insect resistance management trials, 7) non-target organisms and benefit trials, and 8) seed treatment trials corn rootworm. The program is authorized only in the States,

Territories, and Possessions of Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, North Carolina, North Dakota, Nebraska, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, Utah, Virginia, and Wisconsin. However, test plots must not be near the habitats of the following beetles in the following counties: 1) American burying beetle in Kansas (Doniphan, Douglas, Montgomery, Pottawatomie, Riley, and Saline Counties) and Oklahoma (Bryan, Cherokee, Haskell, Latimer, Le Flore, Muskogee, Sequoyah and Tulsa Counties), 2) the delta green ground beetle in California (Solano County), and 3) the valley elderberry longhorn beetle in California (Butte, Colusa, Dorado, Fresno, Glenn, Madera, Mariposa, Merced, Placer, Sacramento, San Joaquin, Solano, Stanislaus, Sutter, Tehama, Yolo and Yuba Counties). The EUP is effective from April 27, 2001 to plantings through April 2002 and associated activities such as collection of field data, harvesting and processing of seed after last planting, and containment activities such as destruction of volunteer corn plants. A tolerance exemption has been established for residues of the active ingredient in or on corn.

Comments: Twenty-nine comments received from private citizens, the National Grain and Feed Association, Gardens/MiniFarms Network, the Hawaii Office of Environmental Quality Control, the County of Hawaii, and the Union of Concerned Scientists. The National Grain and Feed Association supports biotechnology but cited concern regarding the 660 foot (ft) buffer, notification of neighboring farms, chain of custody issues, and the intermingling of grain from this EUP with food/feed grain. Comments/issues/concerns raised by citizens included: protection of certified organic farming industry from genetic drift and proof of non-contamination of heirloom seeds, allergenicity, labeling of genetically engineered (GE) food, request for proof of protection of Hawaiian local insect and animal population, a request to reply to Congresswoman Patsy Mink of Hawaii and Mayor Harry Kim of Hilo, Hawaii, and general opposition to testing. The Union of Concerned Scientists (UCS) urged EPA to publish in the **Federal Register** announcements regarding previous approval of rootworm protected corn EUPs and to

delay consideration of this EUP amendment/extension until the release of relevant documents concerning the approvals. UCS indicated that because of ecological and Intermediate Remedial Measures (IRM) concerns and the paucity of data submitted, UCS opposed the registration of this new Bt corn. The State of Hawaii's Office of Environmental Quality Control asked to be notified of the exact location of planting sites in Hawaii and asked that EPA notify the applicant of the reporting requirement for genetically modified organisms (GMOs) under section 321-11.6 of the Hawaii Revised Statutes. The County of Hawaii commented that they were unable to determine exact locations of planting sites and that locations are critical to render informed comments. Further, the County of Hawaii requested EPA to notify the applicant of its obligation to the State of Hawaii under the reporting requirement for GMOs under section 321-11.6 of the Hawaii Revised Statutes. The County of Hawaii requested an opportunity to submit additional comments after testing location information was provided and after the Hawaii State Department of Health has had an opportunity to review the proposal following compliance with the notification requirements of section 321-11.6.

Response to comments: This permit is an amendment/extension of the permit approved last year in which the Agency concluded that there was no significant or irreversible hazards to the environment provided testing does not take place in the vicinity of endangered beetle habitats. The EUP approval letter informs Monsanto that they must obtain State approval before testing. In response to comments made by Hawaii's Office of Environmental Quality Control and the County of Hawaii, we have included language in the EUP approval letters notifying Monsanto of Hawaii's reporting requirement for GMOs under section 321-11.6 of the Hawaii Revised Statutes. Regarding the test locations, the cooperators and participants have been provided and placed in the docket. Monsanto has claimed the participant and cooperator information as confidential business information (CBI) and requests are being processed through the Freedom of Information Act (FOIA). The EUP requires methods to minimize pollen flow, and the Agency is requiring that no testing take place in the vicinity potentially exposed to endangered beetles for the coleopteran active Cry3Bb EUP. A final rule establishing tolerance exemptions for Cry3Bb1 and Cry2Ab2 has been

approved and that final rule concluded that there is a reasonable certainty of no harm from consumption of these proteins which were digestible in gastric fluid and are not considered food allergens. The Cry3Bb1 protein is the specific protein in corn being tested under the 524-EUP-93 permit. Monsanto submitted a brief progress report to the Agency titled Nontarget Organism Research with Corn Event MON863 Hybrids: Corn Rootworm Protected Corn (Vector ZMIR13L) dated February 20, 2001. This report was requested by the Biopesticides and Pollution Prevention Division (BPPD) and addresses nontarget organism (specifically invertebrates) monitoring in MON863 corn. Since MON863 is expressed in the roots, effects on soil dwelling organisms are a potential risk. Surveys of above and below-ground arthropods were conducted. Above ground samples included various species of predatory Hemiptera and Coleoptera. Below ground samples included Coleoptera (particularly carabids [ground beetles] and staphylinids [rove beetles]), spiders, and Collembola. Although all of the samples have not been counted and identified, preliminary results suggest that there are no significant effects of lines or treatments. The only adverse effect reported was a reduction in Collembola in the insecticide treated fields. Based upon the preliminary results submitted to the Agency, MON863 does not appear to pose a risk to non-target beneficial arthropods. However, these studies are preliminary and incomplete. Additional years of sampling are needed and a complete report should be submitted to the Agency before a conclusion regarding the potential risks can be determined. Labeling of foods is the responsibility of the Food and Drug Administration (FDA). Questions on food labeling should be addressed to FDA.

Persons wishing to review this EUP are referred to the designated contact person. Inquiries concerning this permit should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection,
Experimental use permits.

Dated: July 13, 2001.

Janet L. Andersen,

*Director, Biopesticides and Pollution
Prevention Division, Office of Pesticide
Programs.*

[FR Doc. 01-18826 Filed 7-26-01; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7017-7]

Agency Compliance Assistance Activity Plan Inventory: Comment Request; Correction

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice; Correction—Extend
Comment Period.

SUMMARY: The Environmental Protection Agency (EPA or Agency) prematurely published a document in the **Federal Register** on June 27, 2001, (66 FR 34190), seeking comments on its draft Annual Compliance Assistance Activity Plan Inventory (Plan Inventory) for fiscal year 2002. The draft Plan Inventory catalogues compliance assistance activities proposed throughout the Agency for fiscal year 2002, and provides a single source for stakeholders to access the information. The Agency is seeking stakeholder input on the content, type and scope of projects contained in the draft Plan Inventory.

DATES: Comments must be submitted on or before August 27, 2001.

ADDRESSES: Interested persons may review the draft Annual Compliance Assistance Activity Plan Inventory from the National Compliance Assistance Clearinghouse, at www.epa.gov/clearinghouse.

FOR FURTHER INFORMATION CONTACT:

Comments can be sent to Joanne Bergman, (202) 564-7064; e-mail at berman.joanne@epa.gov; or by mail at US Environmental Protection Agency, Office of Compliance, Mail Code 2224A, Washington, DC 20460.

Correction

The **Federal Register** notice of June 27, 2001, (66 FR 34190) listed an incorrect date for submitting comments on the Compliance Assistance Activity Plan Inventory. It should read:

DATES: Comments must be submitted on or before August 23, 2001.

SUPPLEMENTARY INFORMATION: The draft Plan Inventory reflects EPA's commitment to help entities comply with regulatory requirements and

improve environmental performance through compliance assistance. Compliance assistance includes activities, tools or technical assistance that provides clear and consistent information for (1) helping the regulated community understand and meet its obligations under environmental regulations or (2) compliance assistance providers to aid the regulated community in complying with environmental regulations.

The comprehensive approach of the Plan Inventory allows interested stakeholders to understand the Agency's current compliance assistance priorities and activities and to suggest where tools or additional emphasis are still needed. The consolidated information will also assist compliance assistance providers in determining how to focus their resources without duplicating EPA's efforts. Additionally, the regulated community will be able to anticipate what compliance assistance will be available to them in the near future.

The draft fiscal year 2002 Plan Inventory continues the coordinated, intra-agency planning that marked the first Compliance Assistance Activity Plan, fiscal year 2001, published April 2001. Stakeholder comments played a significant role in the development of the fiscal year 2001 Plan. To better assist the Agency, EPA would particularly welcome comments addressing the following issues.

1. What are the most important environmental or regulatory problems where the EPA should focus its compliance assistance efforts?

2. What type of compliance assistance would be most useful and effective at addressing the environmental or regulatory problems identified above? What entities should EPA direct that assistance toward?

3. What activities suggest opportunities for collaboration between EPA and other compliance assistance providers? How might that collaboration work?

4. Are any of EPA's compliance assistance activities unnecessary or duplicative of other efforts? Which ones? Why?

The Agency looks to stakeholder comments to influence the directions in which we focus our compliance assistance resources. The Agency is committed to using stakeholder comments as we continuously improve the way we do business.

Dated: July 10, 2001.

Michael M. Stahl,

Director, Office of Compliance.

[FR Doc. 01-18878 Filed 7-26-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**[FRL-7017-6]****Proposed Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as Amended, Access Road to Old 141 Highway Superfund Site, Arnold, Missouri****AGENCY:** Environmental Protection Agency.**ACTION:** Notice, request for public comment.

SUMMARY: The United States Environmental Protection Agency (EPA) is proposing to enter into an administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended 42 U.S.C. 9622(h). This settlement is intended to resolve the liability of the Simpson Sand and Gravel Company, Valley Disposal Co., Inc., Simpson Materials Company, Simpson Holding Company, Valley Trucking Company, Meramec Trucking, Inc., Missouri Aggregates, Inc., and Simpson Construction Materials, L.L.C. for response costs incurred at the Access Road to Old 141 Highway Superfund Site, near Arnold, Jefferson County, Missouri.

DATES: Written comments must be provided on or before August 27, 2001.**ADDRESSES:** Comments should be addressed to Steven L. Sanders, Assistant Regional Counsel, Office of Regional Counsel, United States Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, Kansas 66101 and should refer to: *In the Matter of Access Road to Old 141 Highway Site*, EPA Docket No. CERCLA-07-2001-0054.

The proposed administrative cost recovery settlement may be examined in person at the United States Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, Kansas 66101. A copy of the proposed settlement may be obtained from Kathy Robinson, Regional Hearing Clerk, EPA Region VII, 901 North 5th Street, Kansas City, Kansas 66101, telephone (913) 551-7567.

FOR FURTHER INFORMATION CONTACT: Steven L. Sanders, Assistant Regional Counsel, Office of Regional Counsel, EPA Region VII, 901 North 5th Street, Kansas City, Kansas 66101, telephone (913) 551-7010.

Dated: July 11, 2001.

Michael J. Sanderson,
Director, Superfund Division, U.S. EPA,
Region VII.
 [FR Doc. 01-18821 Filed 7-26-01; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**[FRL-7018-2]****Reissuance of the NPDES General Permit for Seafood Processors Operating Throughout Alaska in Waters of the United States (NPDES General Permit No. AK-G52-0000)****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of Final NPDES General Permit No. AK-G52-0000 for Alaskan Seafood Processors.

SUMMARY: The Director, Office of Water, EPA Region 10 (EPA), is re-issuing the National Pollutant Discharge Elimination System (NPDES) general permit for operators of seafood processing facilities in Alaska, pursuant to the provisions of the Clean Water Act (CWA), 33 U.S.C. 1251 *et seq.* The permit authorizes discharges from off-shore vessels engaged in the processing of fresh, frozen, canned, smoked, salted or pickled seafood or the processing of seafood mince, paste or meal. The permit also authorizes discharges from operators of near-shore vessels and shore-based facilities engaged in the processing of fresh, frozen, canned, smoked, salted or pickled seafood, the processing of unwashed-mince, or the processing of meal and other secondary by-products. Discharges authorized under the permit include seafood processing wastewater and solid wastes, wash-down water, sanitary wastewater, and other wastewater generated in the seafood processing operation, as long as such discharges are in accordance with effluent limitations and treatment requirements specified in the permit. Discharges to numerous excluded areas are not authorized under the permit unless a specific waiver is received.

Pursuant to section 402 of the CWA, 33 U.S.C. 1342, EPA proposed and solicited comments on NPDES general permit AK-G52-0000 at 65 FR 21432 (April 21, 2000). EPA also published notice of the draft permit in the *Anchorage Daily News* (4/21/00) and EPA Region 10's Seafood Permitting Update newsletter (April 2000), and sent out over 300 letters of public notice by U.S. mail. EPA received comments from 17 members of the public and requests and recommendations from the

U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and five Alaskan tribes. EPA has prepared a response to the public comments and the recommendations and requests of the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the five Alaskan tribes that comments, and has revised the draft permit as described in the response to comments. EPA has made additional revisions to the draft permit in accordance with the stipulations of the State of Alaska in its water quality certification.

DATES: General NPDES Permit AK-G52-0000 is effective today. No seafood discharger is covered by this permit until it receives a letter of authorization to discharge from EPA. For any permittee authorized to discharge by the previous permit effective on August 4, 1995, EPA intends to use any notice of intent (NOI) submitted by that permittee for extended coverage as that seafood processor's application for coverage under today's re-issued general permit, unless additional information is required or a waiver under the permit must be applied for. Applicants who have not previously submitted an NOI to EPA and who are seeking coverage under this general permit must submit a complete NOI in accordance with the requirements and forms of this re-issued general permit to EPA Region 10 within 90 days from the effective date of this general permit.

EPA intends to process these NOIs and respond to applicants during the next 90 days. EPA's response will specify when coverage begins for each permittee. No previous permittee will be required to comply with the new general permit until it has received a letter of authorization to discharge under the permit from EPA. The first day of coverage will be at least 30 days from the effective date of the permit, unless an applicant requests an earlier date. All coverage under the administratively extended version of NPDES general permit AK-G52-0000 that was effective on August 4, 1995, shall expire on December 31, 2001. Applicants which have not received coverage under the current NPDES general permit by January 1, 2002, could be found to be discharging without the authorization of an NPDES permit and therefore potentially subject to an enforcement action brought by EPA or a citizen.

ADDRESSES: EPA will send copies of both the permit and the response to comments to all past permittees and commenters. Anyone else who wants copies, or wishes to obtain copies more quickly, has three options: (1) Download

Adobe Acrobat versions of the permit and response to comments from the table of final NPDES permits at the NPDES Permits Unit webpage at <http://www.EPA.gov/r10earth/water.htm>; (2) Request that copies of the permit and response to comments be mailed to you by calling Audrey Washington, NPDES Permits Clerk, at (206) 553-0523 or faxing your request to Attn: Audrey Washington at (206) 553-0165; or (3) Pick up a copy of the permit and response to comments from the EPA offices at: (a) 1200 Sixth Avenue, 12th floor Public Information Center, Seattle, Washington; (b) 222 West 7th Avenue, #19, Anchorage, Alaska; or (c) 410 Willoughby Avenue, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Burney Hill, Aquatic Environmental Scientist, NPDES Permits Unit, 206-553-1761 or hill.burney@epa.gov.

SUPPLEMENTARY INFORMATION:

Clean Water Act, Section 401—The Alaska Department of Environmental Conservation has issued a Certification of Reasonable Assurance that the subject discharges comply with the Alaska State Water Quality Standards.

Clean Water Act, Section 403—EPA has completed an ocean discharge criteria evaluation of the discharges authorized by the permit and determined that these discharges will not cause irreparable harm or unreasonable degradation of the receiving waters.

Coastal Zone Management Act—The State of Alaska, Office of Management and Budget, Division of Governmental Coordination, has certified that NPDES general permit AK-G52-0000 is consistent with the approved Alaska Coastal Management Program.

Endangered Species Act—Consultation under the Endangered Species Act was conducted with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The Services concurred with EPA that re-issuance of NPDES general permit AK-G52-0000 was not likely to adversely affect any species listed as threatened or endangered with the exception of the Alaskan subpopulation of Steller's eider (*Polysticta stelleri*), a sea duck. The U.S. Fish and Wildlife Service has issued a Biological Opinion on the effects of NPDES general permit AK-G52-0000, concluding that re-issuance is not likely to jeopardize the continued existence of the Alaska population of Steller's eider in the action area. The Biological Opinion also includes an "Incidental Take Statement" and requests specific "reasonable and prudent measures" for the general permit in order to protect this ESA-listed species.

Executive Order 12866—EPA has determined that this general permit is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to review by the U.S. Office of Management and Budget.

Regulatory Flexibility Act—Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, a Federal agency must prepare an initial regulatory flexibility analysis for any proposed rule that is subject to the requirements of the Administrative Procedure Act and has a significant impact on a substantial number of small entities. EPA has determined that this general permit is a permit and that it is not a rulemaking. EPA finds that this general permit is not subject to the requirements of the rulemaking requirements of the Administrative Procedure Act.

Paperwork Reduction Act—Under the Paperwork Reduction Act, an agency cannot conduct or sponsor a collection of information unless the agency has conducted a review on the agency need for and burden on the public of that information collection, evaluated public comment on that review, submitted an information collection request to the Office of Management and Budget (OMB), and published notice of OMB approval of the information collection request. 44 U.S.C. 3501 *et seq.* Additionally, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. NPDES general permit AK-G52-0000 incorporates provisions that constitute collections of information. Specifically, the permit includes requirements for monitoring, reporting, and recordkeeping as required by NPDES regulations at 40 CFR part 122. OMB has approved information collection requests for those requirements via OMB control numbers 2040-0004, 2040-0086, and 2040-0110.

Appeal of the Permit—Within 120 days following today, the effective date of EPA's final permit decision, any interested person may appeal the general permit in the Federal Court of Appeals in accordance with section 509(b)(1) of the Clean Water Act. Persons affected by a NPDES general permit may not challenge the conditions of the permit as of right in further EPA proceedings. Instead, they may either challenge the general permit in court or apply for an individual permit and then challenge the issuance or denial of an individual NPDES permit.

Dated: July 18, 2001.

Randall F. Smith,

Director, Office of Water, Region 10.

[FR Doc. 01-18825 Filed 7-26-01; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2498]

Petitions for Reconsideration of Action in Rulemaking Proceeding

July 24, 2001.

Petitions for Reconsideration have been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room CY-A257, 445 12th Street, S.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857-3800. Oppositions to these petitions must be filed by August 13, 2001. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of FM Table of Allotments (MM Docket No. 00-166).
Number of Petitions Filed: 1.

William F. Caton,

Deputy Secretary.

[FR Doc. 01-18751 Filed 7-26-01; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1380-DR]

Louisiana; Amendment No. 3 To Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Louisiana, (FEMA-1380-DR), dated June 11, 2001, and related determinations.

EFFECTIVE DATE: July 10, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-5920.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Louisiana is hereby amended to

include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 11, 2001:

East Feliciana Parish for Individual Assistance (already designated for Public Assistance).

Saint Helena and West Baton Rouge Parishes for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Robert J. Adamcik,

Deputy Assistant Director, Readiness, Response and Recovery Directorate.

[FR Doc. 01-18744 Filed 7-26-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1380-DR]

Louisiana; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Louisiana, (FEMA-1380-DR), dated June 11, 2001, and related determinations.

EFFECTIVE DATE: July 16, 2001.

FOR FURTHER INFORMATION CONTACT:

Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-5920.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Louisiana is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 11, 2001:

Pointe Coupee Parish for debris removal (Category A) and emergency protective measures (Category B) under the Public Assistance program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora

Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Assistant Director, Readiness, Response and Recovery Directorate.

[FR Doc. 01-18745 Filed 7-26-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1370-DR]

Minnesota; Amendment No. 8 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Minnesota, (FEMA-1370-DR), dated May 16, 2001, and related determinations.

EFFECTIVE DATE: July 16, 2001.

FOR FURTHER INFORMATION CONTACT:

Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-5920.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Minnesota is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 16, 2001:

Nobles County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Assistant Director, Readiness, Response and Recovery Directorate.

[FR Doc. 01-18741 Filed 7-26-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1376-DR]

North Dakota; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Dakota, (FEMA-1376-DR), dated May 28, 2001, and related determinations.

EFFECTIVE DATE: July 10, 2001.

FOR FURTHER INFORMATION CONTACT:

Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-5920.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of North Dakota is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 28, 2001:

Burleigh, La Moure, Logan, Morton, Mountrail, and Sargent Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Robert J. Adamcik,

Deputy, Assistant Director, Readiness, Response and Recovery Directorate.

[FR Doc. 01-18742 Filed 7-26-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1383-DR]

Commonwealth of Pennsylvania; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of

Pennsylvania (FEMA-1383-DR), dated June 21, 2001, and related determinations.

EFFECTIVE DATE: June 21, 2001.

FOR FURTHER INFORMATION CONTACT:

Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-5920.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 21, 2001, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, as follows:

I have determined that the damage in certain areas of the Commonwealth of Pennsylvania, resulting from Tropical Storm Allison on June 15-17, 2001, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 (Stafford Act). I, therefore, declare that such a major disaster exists in the Commonwealth of Pennsylvania.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Public Assistance is later warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Peter Martinasco of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Pennsylvania to have been affected adversely by this declared major disaster:

Bucks and Montgomery Counties for Individual Assistance.

All counties within the Commonwealth of Pennsylvania are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program).

Joe M. Allbaugh,

Director.

[FR Doc. 01-18746 Filed 7-26-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1386-DR]

Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Virginia (FEMA-1386-DR), dated July 12, 2001, and related determinations.

EFFECTIVE DATE: July 12, 2001.

FOR FURTHER INFORMATION CONTACT:

Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-5920.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 12, 2001 the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, as follows:

I have determined that the damage in certain areas of the Commonwealth of Virginia, resulting from severe storms and flooding on July 8-10, 2001, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 (Stafford Act). I, therefore, declare that such a major disaster exists in the Commonwealth of Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas, Hazard Mitigation throughout the Commonwealth,

and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Public Assistance is later warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Marianne Jackson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Virginia to have been affected adversely by this declared major disaster:

Tazewell County for Individual Assistance.

All counties within the Commonwealth of Virginia are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 01-18747 Filed 7-26-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1378-DR]

West Virginia; Amendment No. 8 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the

State of West Virginia, (FEMA-1378-DR), dated June 3, 2001, and related determinations.

EFFECTIVE DATE: July 16, 2001.

FOR FURTHER INFORMATION CONTACT:

Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-5920.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of West Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 3, 2001:

Marion County for Individual Assistance.
Taylor County for Individual and Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Assistant Director, Readiness, Response and Recovery Directorate.

[FR Doc. 01-18743 Filed 7-26-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10 a.m., Wednesday, August 1, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Michelle A. Smith, Assistant to the Board; 202-452-3204.

SUPPLEMENTARY INFORMATION: You may call 202-452-3206 beginning at

approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at <http://www.federalreserve.gov> for electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: July 25, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01-18944 Filed 7-25-01; 2:52 pm]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Privacy Act of 1974; Establishment of a New Record System, Purchase Card Program (GSA/PPFM-10).

AGENCY: General Services Administration.

ACTION: Notice of a new system of records subject to the Privacy Act of 1974.

SUMMARY: The General Services Administration (GSA) is providing notice of the establishment of the new record system, Purchase Card Program (GSA/PPFM-10). The system will collect and maintain information on purchases by employees who apply for and qualify to use a government purchase card for official business. System information will be used to operate, control, and manage the purchase card program. The new system implements measures that will result in more timely purchases and payments and on processing costs.

DATES: Comments on the new system must be provided by August 27, 2001. The new system will become effective without further notice on August 27, 2001 unless comments dictate otherwise.

ADDRESSES: Address comments to: Director, Financial Initiative Division (BCD), Office of Finance, Office of the Chief Information Officer, General Services Administration, 1800 F Street, NW, Washington, DC 20405; or to GSA Privacy Act Officer, General Services Administration, CAI, 1800 F Street, NW, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Paul Taylor at the above address, or telephone (202) 501-4991.

GSA/PPFM-10

SYSTEM NAME:

Purchase Card Program.

SYSTEM LOCATION:

System records are maintained by the Office of Finance, General Services Administration (GSA), at 1800 F Street, NW, Washington DC 20405, and by designated purchase card coordinators' offices in GSA regions. Contact the System Manager for additional information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system includes employees of GSA, and of independent offices and commissions serviced by GSA, who qualify to use Government charge cards for making authorized purchases for official business.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system provides control over expenditure of funds through the use of Government purchase cards. System records include:

- a. Personal information on charge card users, including names, home or business telephone numbers and addresses, Social Security Numbers, and employment information; and
- b. Account processing and management information, including charge card transactions, contractor monthly reports showing charges to individual account numbers, account balances, and other data needed to authorize, account for, and pay authorized purchase card expenses.

AUTHORITIES FOR MAINTENANCE OF THE SYSTEM:

Federal Acquisition Regulation (FAR), Part 13, 48 CFR part 13, and Public Law 93-579 section 7(b).

PURPOSES:

To establish and maintain a system for operating, controlling, and managing the purchase card program involving commercial purchases by authorized government employees.

ROUTINE USES OF THE SYSTEM RECORDS, INCLUDING CATEGORIES OF USERS AND THEIR PURPOSE FOR USING THE SYSTEM:

System information may be accessed and used by authorized GSA employees or contractors to conduct duties associated with the management and operation of the purchase card program.

Information from this system also may be disclosed as a routine use:

- a. In any legal proceeding, where pertinent, to which GSA is a party before a court or administrative body.
- b. To a Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or carrying out a statute, rule, regulation, or order when GSA becomes aware of a violation or potential violation of civil or criminal law or regulation.

c. To duly authorized officials engaged in investigating or settling a grievance, complaint, or appeal filed by an individual who is the subject of the record.

d. To the Office of Personnel Management (OPM) and the General Accounting Office when the information is required for evaluation of the program.

e. To a Member of Congress or his or her staff on behalf of and at the request of the individual who is the subject of the record.

f. To an expert, consultant, or contractor of GSA in the performance of a Federal duty to which the information is relevant.

g. To the GSA Office of Finance for debt collection purposes (see GSA/PPFM-7).

h. To the National Archives and Records Administration (NARA) for records management inspections conducted under 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF SYSTEM RECORDS:

STORAGE:

Information may be collected on paper or electronically and may be stored on paper or on electronic media, as appropriate.

RETRIEVABILITY:

Records are retrievable by a personal identifier or by other appropriate type of designation approved by GSA.

SAFEGUARDS:

Systems records are safeguarded in accordance with the requirements of the Privacy Act, the Computer Security Act, and OMB Circular A-130. Technical, administrative, and personnel security measures are implemented to ensure confidentiality and integrity of the system data stored, processed, and transmitted. Paper records are stored in secure cabinets or rooms. Electronic records are protected by passwords and other appropriate security measures.

RETENTION AND DISPOSAL:

Disposition of records is according to the National Archives and Records Administration (NARA) guidelines, as set forth in the handbook, GSA Records Maintenance and Disposition System (OAD P 1820.2), and authorized GSA records schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Initiative Division (BCD), Office of Finance, Office of the Chief Financial Officer, General Services Administration, 1800 F Street, NW., Washington, DC 20405.

NOTIFICATION PROCEDURE:

A Privacy Act Statement on the purchase card data collection form notifies individuals of the purpose and uses of the information they provide. Employees may obtain information about whether they are a part of this system of records from the system manager at the above address.

RECORD ACCESS PROCEDURES:

Requests from individuals for access to their records should be addressed to the system manager.

CONTESTING RECORD PROCEDURES:

GSA rules for access to systems of records, contesting the contents of systems of records, and appealing initial determinations are published in the **Federal Register**, 41 CFR part 105-64.

RECORD SOURCE CATEGORIES:

Information is obtained from individuals submitting charge card applications, monthly contractor reports, purchase records, managers, other agencies, non-Federal sources such as private firms, and other agency systems containing information pertaining to the purchase card program.

Dated: June 20, 2001.

Daniel K. Cooper,

Director, Information Management and Administrative Policy Division, General Services Administration.

[FR Doc. 01-18801 Filed 7-26-01; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Community-Based Alternatives for Individuals With Disabilities

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Under Executive Order 13217, the Departments of Health and Human Services (HHS), Labor, Education, Justice, Housing and Urban Development and the Social Security Administration are undertaking an evaluation of each agency's policies, programs, statutes and regulations to determine whether any should be revised or modified to improve the availability of community-based services for qualified individuals with disabilities. As the designated lead agency, HHS seeks public comments to inform each agency's evaluation.

FOR FURTHER INFORMATION CONTACT: Kari Benson, New Freedom Initiative Group, 202-205-0624.

DATES: All comments must be received on or before the close of business on August 27, 2001.

ADDRESSES: All comments should be addressed to the New Freedom Initiative Group, Department of Health and Human Services, P.O. Box 23271, Washington, D.C. 20036-3271. If possible, please send an electronic version of the comments on a 3½ inch DOS format floppy disk in a format that is accessible to everyone, including persons with disabilities, such as HTML, ASCII text, or popular word processor format (Microsoft Word, Corel WordPerfect). Comments may also be sent electronically via email to: newfreedom@cms.hhs.gov.

SUPPLEMENTARY INFORMATION: On June 18, 2001, President Bush signed Executive Order No. 13217 on Community-based Alternatives for Individuals with Disabilities. The Order commits the United States to community-based alternatives for individuals with disabilities and recognizes that such services advance the best interests of the United States. The Order calls upon the federal government to assist states and localities to swiftly implement the decision of the United States Supreme Court in *Olmstead v. L.C.* and directs specific federal agencies to review their policies, programs, statutes and regulations to determine whether any should be revised or modified to improve the availability of community-based services for individuals with disabilities. The review must focus on identifying affected populations, improving the flow of information about supports in the community, and removing barriers that impede opportunities for community placement. The review must also ensure the involvement of consumers, advocacy organizations, providers, and relevant agency representatives. The results of the evaluation must be reported, through the Department of Health and Human Services, to the President by October 16, 2001.

The specific agencies charged with undertaking this review are: the Department of Justice (DOJ), the Department of Health and Human Services (HHS), the Department of Education (DOE), the Department of Labor (DOL), Housing and Urban Development (HUD), and the Social Security Administration (SSA).

The agency self-evaluations focus upon identifying the appropriate role of the federal government to promote the ability of people with disabilities to live more independently in the community (close to families and friends), to engage

in productive employment, and participate in community life.

To assist federal agencies in their review and self-evaluation, we invite the public to submit to us your specific written comments on issues such as barriers in federal law, policy and programs that limit the ability of people of any age who have a disability to achieve the above goals; actions that each of the designated agencies can take to address those barriers, improve the flow of information about community supports or aid in fulfillment of the ADA; and how federal programs can work together in support of enabling an individual with a disability to participate fully in the social and economic life of the community (e.g. health coverage, mental health services, social services, affordable and accessible housing, employment, caregiver support, and other services).

All comments should be submitted to the Department of Health and Human Services at the address noted above. As the coordinating federal agency, the Department will ensure that comments relating to programs administered by any of the other designated federal agencies will be submitted to those agencies for review in conjunction with that agency's review and self-evaluation.

Dated: July 25, 2001.

Tommy G. Thompson,

Secretary, Health and Human Services.

[FR Doc. 01-18854 Filed 7-26-01; 8:45 am]

BILLING CODE 4153-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

[Program Announcement 01194]

Antiretroviral Drug Sentinel Surveillance To Examine Trends in Prevalence of Drug Resistant Strains of HIV; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program to establish sentinel surveillance methods to examine trends in the prevalence of drug resistant strains of HIV in persons recently infected or recently diagnosed with HIV. This program addresses the "Healthy People 2010" focus area of HIV.

The purpose of the program is to estimate trends in the prevalence of drug resistant strains of HIV in adults by testing HIV positive sera submitted to

state or metropolitan area public health laboratories for HIV testing.

Although the tested population is not representative of the population as a whole, state and local public health laboratories generally conduct diagnostic HIV testing on sera from a section of the population that is broadly similar from year to year. Performing antiretroviral drug resistance (ARVDR) testing on the sera that tested HIV positive should allow an estimate of trends in resistance in persons newly diagnosed with HIV in the geographic area. In addition, Serologic Testing Algorithm for Recent HIV Seroconversion (STARHS) testing will be performed on all HIV positive sera and results will be used to describe drug resistance in persons newly infected with HIV. Participants will explore methods to obtain specimens and data that will allow more precise estimates of trends.

Minimal demographic, risk group, and clinical information collected by the HIV/AIDS reporting system will be linked to ARVDR and STARHS results locally without jeopardizing confidentiality.

ARVDR results will be made available to health care providers of the persons whose sera were tested, if the persons tested agree. In future years, participating sites may evaluate the utility of providing baseline (initial pretreatment) antiretroviral resistance test results to clinicians.

The use of sera for antiretroviral resistance testing is still uncommon; however, a satisfactory success rate is thought to be achievable if sera are handled and stored appropriately. This sentinel surveillance network will also provide means to examine the feasibility of routine use of sera for antiretroviral resistance testing. Health departments will be required to establish a quality assurance program for antiretroviral drug resistance testing.

B. Eligible Applicants

Assistance will be provided only to the health departments of States, or their bona fide agents, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and federally recognized Indian tribal governments. In consultation with States, assistance may be provided to political subdivisions of States.

Eligible applicants include health departments meeting these criteria:

1. Having HIV case reporting as of October 1, 2001, and

2. Reporting at least 300 cases of HIV infection in the 12 months ending mid-year 2000, or 300 cases of AIDS (HIV/AIDS Surveillance Report, Dec. 2000, Vol. 12, No. 1).

Funding will be awarded to applicants not currently participating in CDC-supported projects to estimate the prevalence of antiretroviral drug resistance among persons newly infected with HIV. This limitation is imposed to ensure that the gathering of the same or similar data is not already being supported by CDC.

Eligibility is limited to applicants reporting this minimum number of cases of HIV infection yearly (or AIDS cases, if HIV reporting was recently introduced), to insure testing of sufficient numbers of samples to allow a meaningful estimate of the proportion of antiretroviral drug resistant cases. Eligibility is limited to health departments because of the greater likelihood that HIV testing of members of the same subpopulations will take place year after year in health departments, allowing calculation of trends.

Note: Title 2 of the United States Code, section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately \$1,000,000 is available in FY 2001 to fund approximately three awards. It is expected that the average award will be \$330,000, ranging from \$200,000 to \$600,000. It is expected that the awards will begin on or about September 30, 2001 and will be made for a 12-month budget period within a project period of up to five (5) years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

1. Use of Funds

Funds may not be used to provide direct medical care or prevention case management. Funds may not be used to develop a new HIV infection reporting system for the purpose of this ARVDR project.

2. Funding Preference

Will be given to health departments that report 300 or more newly diagnosed

persons per year and where health department laboratories provide testing for 30% or more of the geographic areas' HIV reports.

D. Program Requirements

In conducting activities to achieve the purpose of this program, recipient shall be responsible for the activities under 1., (Recipient Activities), and CDC shall be responsible for conducting activities under 2., (CDC Activities):

1. Recipient Activities

a. Develop and administer a suitable consent form for tested individuals and a method for reporting ARVDR results to clinicians of consenting individuals.

b. Collect and appropriately handle serum samples submitted for HIV diagnosis at the public health laboratory. Store and transport samples for STARHS and ARVDR testing to the appropriate laboratory for processing. Report sample collection, handling and storage methods, including the type of anti-coagulant used and the time after blood collection that the serum was separated.

c. If possible, develop a method to identify sera from individuals previously reported as HIV positive to the health department to remove them before they are STARHS tested.

d. Arrange for STARHS testing and genotypic and phenotypic ARVDR testing in the public health laboratory, CDC contract laboratory, or other suitable laboratory. Assure participation in the quality assurance program supported by this activity, including quarterly testing of panels of specimens, if appropriate.

e. Provide results to clinicians of persons whose sera were tested.

f. Capture selected variables from HIV reports for inclusion in the project database.

g. Provide results and share data with other participants, other collaborators in the field, and with CDC.

h. Attend an annual meeting to discuss project activities and methods for data and specimen collection to facilitate more precise estimation of trends.

i. Evaluate the success of the program in providing results to estimate trends in ARVDR in persons newly infected or newly diagnosed with HIV including a plan for the extension of the project in future years, if the program is successful and if funds are available.

j. Develop a research protocol and plans for conducting this research in collaboration with CDC.

2. CDC Activities

1. Assist as needed in the development of a research protocol for

IRB review at all cooperating institutions participating in the research project. The CDC IRB will review and approve the protocol initially and on at least an annual basis until the research project is completed.

2. Provide assistance as needed in the design and conduct of the research and statistical analysis.

3. Provide assistance in training, if requested.

4. Assist as needed in the analysis of the data and the presentation and publication of results.

5. If requested, CDC may provide antiretroviral drug susceptibility testing at a reference laboratory.

6. Provide STARHS testing services at collaborating regional public health laboratories.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 10 double-spaced pages, printed on one side, with one-inch margins, and unreduced 12 pt. font. All pages should be numbered and indexed. The narrative should consist of, at a minimum, a Plan, Objectives, Methods, Evaluation and Budget.

F. Submission and Deadline

Submit the original and two copies of CDC 0.1246. Forms are available in the application kit and at the following Internet address: www.cdc.gov/od/pgo/forminfo.htm

On or before August 31, 2001, submit the application to the Grants Management Specialist identified in the "Where to Obtain Additional Information" section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late: Applications which do not meet the criteria in 1. or 2. above will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Plan (20 points): The quality of the plan to develop and implement the surveillance project. The extent to which the applicant demonstrates:

a. The ability to capture selected variables from HIV reports for inclusion in the project database,

b. The ability to identify, store and transport HIV-positive serum samples of at least half of the number of HIV reports or AIDS cases reported in the 12 months ending mid-year 2000.

2. Objectives (20 points) The extent to which the applicant's proposed objectives are measurable, specific, time-phased, and related to required recipient activities and the program purpose.

3. Methods (25 points) The extent to which the methods proposed are appropriate and feasible to achieve the stated program objectives. This application should describe:

a. How sera will be identified, collected, processed and transported for Antiretroviral Drug Resistance (ARVDR) and Serologic Testing Algorithm for HIV Serconversion (STARHS) testing,

b. The plan to conduct or contract for ARVDR testing the plan for collecting data, and

c. The plan for confidentially linking laboratory tests to the HIV/AIDS reporting system in order to identify persons who have been previously diagnosed and reported to the system.

4. Research Capacity (20 points): The extent to which the applicant demonstrates the knowledge, ability, and experience necessary to facilitate the collection of sera and to provide oversight for data collection and laboratory operations. The application should describe:

a. How the project will be administered,

b. Duties, qualifications, curriculum vitae if available, and time allocation of the proposed staff,

c. The availability of suitable facilities required to conduct this program,

d. In addition, applications will be evaluated on the degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes: (10 points)

1. The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

2. The proposed justification when representation is limited or absent.

3. A statement as to whether the design of the study is adequate to measure differences when warranted.

4. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with communities and recognition of mutual benefits.

5. Evaluation (15 points): The applicant's ability to evaluate the usefulness of the surveillance program for epidemiologic monitoring and other public health purposes; the extent to which the evaluation plan is appropriate for measuring progress toward program objectives and includes plans to evaluate each aspect of the performance elements outlined in the Recipient Activities; and, the extent to which the applicant documents their willingness and ability to collaborate with CDC in evaluating the success of the pilot project.

6. Budget (reviewed, but not scored): The extent to which the budget is reasonable, clearly justified, consistent with the intended use of funds, and allowable. All budget categories should be itemized.

7. Human Subjects (reviewed, but not scored): The extent to which the application adequately addresses the requirements of 45 CFR part 46 for the protection of human subjects. An application can be disapproved if the research risks are sufficiently serious and protection against risks is so inadequate as to make the entire application unacceptable.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. Annual progress reports;
2. Financial status report, no more than 90 days after the end of the budget period;
3. Final financial report and performance report, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the "Where to Obtain Additional Information" section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I of the announcement in the application kit.

- AR-1 Human Subjects Requirements
- AR-2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
- AR-4 HIV/AIDS Confidentiality Provisions

- AR-5 HIV Program Review Panel Requirements
- AR-6 Patient Care
- AR-7 Executive Order 12372 Review
- AR-9 Paperwork Reduction Act Requirements
- AR-10 Smoke-Free Workplace Requirements
- AR-11 Healthy People 2010
- AR-12 Lobbying Restrictions
- AR-14 Accounting System Requirements
- AR-22 Research Integrity

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 317 of the Public Health Service Act [42 U.S.C. 241(a) and 247(b)]; 301 (42 U.S.C. 241); 311 (42 U.S.C. 243), as amended. The Catalog of Federal Domestic Assistance number is 93.944.

J. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address—<http://www.cdc.gov> Click "Funding" then "Grants and Cooperative Agreements."

To receive additional written information and to request an application kit, call 1-888-GRANTS4 (1-888-472-6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Julia Valentine, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341-4146, Telephone number (770) 488-2732, E-mail address: jxv1@cdc.gov.

For program technical assistance, contact: Kenneth A. Clark, M.D., Prevention Services Research Branch, Division of HIV/AIDS Prevention, Surveillance & Epidemiology National Center for HIV/STD/TB Prevention, Centers for Disease Control and Prevention, 1600 Clifton Road, Mail Stop E-46, Atlanta, Georgia 30333, Telephone: (404) 639-2042, E-mail address: KClark@cdc.gov.

Dated: July 23, 2001.

John L. Williams,

*Director, Procurement and Grants Office,
Centers for Disease Control and Prevention.*

[FR Doc. 01-18756 Filed 7-26-01; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01148]

Capacity-Building Assistance (CBA) To Develop and Implement Effective HIV/AIDS Prevention Education Programs for South African Trade Unions; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program for capacity-building assistance (CBA) to develop and implement effective HIV/AIDS prevention education programs for South African Trade Unions.

The purpose of the program is to provide financial and programmatic assistance to South African trade unions to develop and implement effective HIV/AIDS prevention education programs.

Note: For this program announcement, the term "capacity-building assistance" means the provision of information, new HIV prevention technologies, consultation, technical services, and training for individuals and organizations to improve the delivery and effectiveness of HIV prevention education.

Business and organized labor have taken an active role in enhancing a partnership between public health and private sector support for HIV prevention. The partnership was initiated as an effort to address workforce education about HIV and its routes of transmission as well as in establishing workplace policies to accommodate HIV in the workplace. This assistance seeks to engage South African trade unions in HIV prevention education and workplace policy development. The goal of the program is to strengthen the capacity of South African trade unions to implement effective HIV/AIDS prevention education programs. The capacity-building assistance program will provide the skills, information and training necessary to:

1. Strengthen the organizational infrastructures that support the delivery of effective HIV prevention services and interventions for union members whose behavior places them at risk for acquiring or transmitting HIV and other STDs;

2. Improve the capacity of trade unions to design, develop, implement and evaluate effective HIV prevention interventions for union members whose

behavior places them at risk for acquiring or transmitting HIV and other STDs;

3. Improve the capacity of trade unions to respond to HIV-related issues in the workplace and public policy areas; and

4. Improve the capacity of trade unions to increase community awareness, leadership, participation and support for HIV prevention and care efforts within workers' communities.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and by governments and their agencies and international organizations with a minimum of two (2) years of experience in developing and implementing and conducting on an ongoing basis, HIV/AIDS prevention activities in the workplace including trade unions.

Note: Title 2 of the United States Code, Chapter 26, Section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately \$1,000,000 is available in FY 2001 to fund one award. It is expected that the award will begin on or about September 30, 2001 and will be made for a 12-month budget period within a project period of up to five years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds. Satisfactory progress will be determined by site visits by CDC representatives and progress reports.

All requests for funds, including the budget contained in the application, shall be stated in U.S. dollars. Once an award is made, the Department of Health and Human Services (DHHS) will not compensate foreign grantees for currency exchange fluctuations through the issuance of supplemental awards.

1. Use of Funds

Funds available under this announcement must support activities directly related to primary HIV prevention and capacity-building assistance.

Funds received from this announcement will not be used for the purchase of antiretroviral drugs for treatment of established HIV infection (with the exception of nevirapin in

PMTCT cases and with prior written approval), occupational exposures, and non-occupational exposures and will not be used for the purchase of machines and reagents to conduct the necessary laboratory monitoring for patient care.

No funds awarded under this announcement shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

These funds may not be used to supplant or duplicate existing funding. Applicants may contract with other organizations under these cooperative agreements, however, applicants must perform a substantial portion of the activities (including program management and operations and delivery of prevention services) for which funds are requested.

The costs that are generally allowable in grants to domestic organizations are likewise allowable to foreign institutions and international organizations, with the following exceptions:

Indirect Costs: With the exception of the American University, Beirut, the Gorgas Memorial Institute, and the World Health Organization, indirect costs will not be paid (either directly or through a sub-award) to organizations located outside the territorial limits of the United States or to international organizations regardless of their location.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), and CDC will be responsible for the activities listed under 2. (CDC Activities).

1. Recipient Activities

a. Create and support a national and regionally structured, capacity-building resource network that includes the applicant's current and proposed staff and other subject matter experts with expertise in strengthening organizational infrastructure, training, HIV/AIDS prevention education, and community mobilization;

b. Incorporate cultural competency and linguistic appropriateness into all capacity and skills building efforts, including those involving the development, production, dissemination, and marketing of health communication or prevention messages;

c. Coordinate program activities with relevant counterpart trade union HIV prevention programs to prevent duplication of efforts;

d. Monitor and evaluate all major program activities and services supported with CDC HIV prevention funds under this cooperative agreement;

e. Facilitate the dissemination of successful prevention interventions and program models through meetings, workshops, and conferences and comply with conference grant requirements;

f. Broaden the linkages with counterpart trade unions in the sub-Saharan region;

g. Compile "lessons learned" from the project and share these with network organizations and CDC; and

h. Develop and implement a plan for obtaining additional resources from non-CDC sources to supplement the program conducted through this cooperative agreement and to enhance the likelihood of its continuation after the end of the project period.

2. CDC Activities

a. Provide consultation and technical assistance, as needed, in planning, operating, and evaluating prevention activities.

b. Provide up-to-date scientific information regarding risk factors for HIV infection, prevention measures, and program strategies for prevention of HIV infection.

c. Assist as needed in the evaluation of program activities and services.

d. Facilitate the transfer of successful prevention interventions and program models to other geographic areas through convening meetings of grantees, workshops, conferences, and newsletters.

e. Monitor the recipient's performance of program activities, protection of client confidentiality and compliance with other requirements.

f. Facilitate, as needed, exchange of program information and technical assistance between trade unions, non-governmental organizations, business and governmental agencies in the 15 Global AIDS Program (GAP) countries in Africa and India.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 45 double-spaced pages (excluding abstract, attachments and appendices), printed on one side, with one inch margins, and unredacted font.

Number each page clearly, and provide a complete index to the

application and its appendices. Please begin each separate section of the application on a new page. The original and each copy of the application set must be submitted unstapled and unbound. All material must be typewritten, single spaced, with unreduced type on 8-1/2" by 11" paper, with at least 1" margins, headings and footers, and printed on one side only. Materials which should be part of the basic plan will not be accepted if placed in the appendices. The narrative should consist of, at a minimum, a Plan, Objectives, Methods, Evaluation, and Budget.

F. Submission and Deadline

Application

Submit the original and two copies of PHS 5161-1 (OMB Number 0920-0428). Forms are available in the application kit and at the following Internet address: www.cdc.gov/od/pgo/forminfo.htm.

On or before August 24, 2001, submit the application to the Grants Management Specialist identified in the "Where to Obtain Additional Information" section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or
2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in 1. or 2. above will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. *Abstract Not To Exceed two Pages (Not Scored)*
2. *Organizational History and Capacity (25 Points)*

The extent to which the applicant:

- a. Describes existing organizational structure, including constituent or affiliate organizations or networks, how the organizational structure will support the proposed program activities, and how the structure offers the capacity to reach targeted populations.

b. Describes past and current experience in developing and implementing effective HIV prevention strategies and activities, and in developing and implementing programs similar to the one proposed in this application.

c. Describes the organization's capacity to provide culturally competent and appropriate services that respond effectively to the cultural, gender, environmental, social and multilingual character of the target populations, including any history of providing such services.

d. Describes experience in collaborating with international and developing country organizations that provide HIV prevention services.

3. *Description of Target Population and Needs Assessment (20 Points)*

The extent to which the applicant:

a. Describes the target populations to be served through the proposed program, including the approximate number of persons to be reached; and describes the impact of HIV/AIDS on the community and any other specific environmental, social, cultural, or multilingual characteristics of the target populations that the program will consider and address in developing prevention strategies.

b. The extent to which the applicant lists and briefly describes current HIV prevention and risk-reduction efforts under way among the target populations and outline major gaps in the provision of prevention services for the target populations:

- (1) Explains specific barriers to the dissemination of adequate HIV prevention information and education that exist or have existed;
- (2) Explains the unmet HIV prevention needs that exist in the target community and opportunities for creating linkages with trade unions in the U.S. and the 15 GAP countries in Africa and India; and
- (3) Identifies and describes the HIV prevention needs of the target populations that the proposed program will directly address.

4. *Program Objectives (15 Total Points)*

The extent to which the applicant provides specific, realistic, time-phased and measurable objectives to be accomplished during the first budget period; and describes the expected outcomes of program activities on its target population(s).

5. *Program Plan (25 Points)*

The extent to which the applicant:

- (a) Describes the activities that will be undertaken and specific interventions

that will be provided to meet the objectives within projected time frames during the first program year; outlines major steps necessary to attain specified objectives; and notes the approximate dates by which activities will be accomplished. The applicant should note all major activities which will represent necessary milestones in the attainment of objectives;

(b) Describes how participation and input will be obtained from appropriate service groups or organizations, how collaborative relationships with other agencies and organizations will be established and maintained, and the extent to which the applicant describes how members of the target population will be involved in planning, implementing, and evaluating activities and services throughout the project period;

(c) Does the applicant include, as attachments, memoranda of understanding or agreement as evidence of these established or agreed upon collaborative relationships and provide a description of how the proposed program fills gaps left by existing programs as determined by the needs assessment must also be included.

(d) The extent to which the applicant describes specific behaviors and practices that the interventions are designed to promote and prevent (e.g., increases in correct and consistent condom use, knowledge of serological status, not sharing needles, and enrollment in drug treatment and other preventive programs);

(e) The extent to which the applicant describes how the proposed priority interventions and services are culturally competent, sensitive to issues of sexual identity, developmentally appropriate, linguistically-specific, and educationally appropriate.

6. *Evaluation Plan (15 Points)*

(a) The extent to which the applicant's plan describes specific methods to assess the effectiveness of services, monitor activities and assess the achievement of objectives during the first year of the program.

(b) The extent to which the applicant describes how information will be obtained, including a description of methods which will be implemented to gather and record data, and in what manner it will be summarized for Quarterly Progress Reports.

(c) The extent to which the applicant describes how data will be used to improve the program and how successful approaches and "lessons learned" will be shared with other organizations.

7. Personnel (Not Scored)

The appropriateness of the staffing pattern for the proposed project. The extent to which the applicant describes how the proposed program will be managed and staffed, including the location of the program within the organization; describes in detail each existing or proposed position for this program by job title, function, general duties, and activities with which that position will be involved. It should include the level of effort and allocation of time for each project activity by staff position. If the identity of any individual who will fill a position is known, her/his name and curriculum vitae (not to exceed one page each) should be attached. Experience and training related to the proposed project should be noted. If the identity of staff is not known, the extent to which the applicant describes a recruitment plan. If volunteers are involved in the project, provides job descriptions and methods to ensure accountability to the project.

8. Budget (Not Scored)

The appropriateness of the budget for the proposed project. The extent to which the applicant provides a detailed budget for each priority activity to be undertaken, with accompanying justification of all operating expenses that is consistent with the stated objectives and planned activities of the project. CDC may not approve or fund all proposed activities. Applicants should be precise about the program purpose of each budget item, and should itemize calculations wherever appropriate.

For the personnel section, the job title, annual salary/rate of pay, and percentage of time spent on this program should be indicated.

For contracts contained within the application budget, applicants should name the contractor, if known; describe the services to be performed; justify using a third party; provide a breakdown of and justification for the estimated costs of the subcontracts; the kinds of organizations or parties to be selected; the period of performance; and the method of selection.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. Quarterly progress reports;
2. Financial status report, no more than 90 days after the end of the budget period;
3. Final financial and performance reports, no more than 90 days after the end of the project period; and

4. Annual audit of these CDC funds (program-specific) audit) by a U.S.-based audit firm with international branches and current licensure/authority in-country, and in accordance with International Accounting Standards or equivalent standard(s) approved in writing by CDC.

Send all reports to the Grants Management Specialist identified in the "Where to Obtain Additional Information" section of this announcement.

A fiscal Recipient Capability Assessment may be required, pre or post award, with the potential awardee in order to review their business management and fiscal capabilities regarding the handling of U.S. Federal funds.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I of the announcement.

AR-4—HIV/AIDS Confidentiality Provisions

AR-12—Lobbying Restrictions

AR-14—Accounting System Requirements

AR-15—Proof of Non-Profit Status

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301 and 307 of the Public Health Service Act [42 U.S.C. section 241 and 242], as amended and section 104 of the Foreign Assistance Act of 1961, 22 U.S.C. 215b. The Catalog of Federal Domestic Assistance number is 93.941.

J. Where To Obtain Additional Information

This and other CDC [ATSDR] announcements can be found on the CDC home page Internet address—<http://www.cdc.gov> Click on "Funding" then "Grants and Cooperative Agreements."

To obtain business management technical assistance, contact: Dorimar Rosado, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341-4146, Telephone number: 770-488-2782 or 2720, email address: dpr7@cdc.gov

For program technical assistance, contact: David Allen, MD, U.S. Embassy, P.O. Box 9536, (877 Pretorius Street), Pretoria, 0001, South Africa, Telephone: 27 12 312 0127, E-mail: allend@health.gov.za

Dated: July 23, 2001.

John L. Williams,

*Director, Procurement and Grants Office,
Centers for Disease Control and Prevention.*
[FR Doc. 01-18757 Filed 7-26-01; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

CDC Advisory Committee on HIV and STD Prevention: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: CDC Advisory Committee on HIV and STD Prevention.

Time And Date: 8:30 a.m.–5 p.m., August 16, 2001.

Place: Hyatt Regency Atlanta Hotel, 265 Peachtree Street, NE, Atlanta, Georgia 30303.

Status: Open to the public, limited only by the space available. The meeting room will accommodate approximately 100 people.

Purpose: This Committee is charged with advising the Director, CDC, regarding objectives, strategies, and priorities for HIV and STD prevention efforts including maintaining surveillance of HIV infection, AIDS, and STDs, the epidemiologic and laboratory study of HIV/AIDS and STDs, information/education and risk reduction activities designed to prevent the spread of HIV and STDs, and other preventive measures that become available.

Matters to be Discussed: Agenda items include issues pertaining to syphilis elimination and recent trends and Risk Behaviors among Young Men Who Have Sex With Men.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Paulette Ford-Knights, Committee Management Specialist, National Center for HIV, STD, and TB Prevention, 1600 Clifton Road, NE, Mailstop E-07, Atlanta, Georgia 30333. Telephone 404/639-8008, fax 404/639-3125, e-mail pbf7@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign Federal Register Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: July 20, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01-18758 Filed 7-26-01; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Fernald Health Effects Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) announce the following meeting.

Name: Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Fernald Health Effects Subcommittee.

Time and Date: 9 a.m.–4 p.m., August 22, 2001.

Place: The Plantation Conference Center, 9660 Dry Fork Road, Harrison, Ohio 45030, telephone, 513/367-5610.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Background: Under a Memorandum of Understanding (MOU) signed in December 1990 with DOE, and replaced by MOUs signed in 1996 and 2000, the Department of Health and Human Services (HHS) was given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production use. HHS delegated program responsibility to CDC.

In addition, a memo was signed in October 1990 and renewed in November 1992, 1996, and in 2000, between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund"). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

Purpose: This subcommittee is charged with providing advice and recommendations to the Director, CDC, and the Administrator, ATSDR, regarding community concerns pertaining to CDC's and ATSDR's public health activities and research at this DOE site. The purpose of this meeting is to provide a forum for community interaction and serve as a vehicle for community concerns to be expressed as advice and recommendations to CDC and ATSDR.

Matters to be Discussed: Agenda items include a presentation from COSMOS Corporation on the Evaluation of the Health Effects Subcommittee Advisory Process, presentations from the National Center for Environmental Health (NCEH), the National Institute for Occupational Safety and Health (NIOSH), and ATSDR on updates regarding progress of current studies.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Mike Donnelly, Deputy Chief, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 1600 Clifton Road, NE. (E-39), Atlanta, GA 30333, telephone 404/498-1800, fax 404/498-1811.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and ATSDR.

Dated: July 10, 2001.

John Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01-18759 Filed 7-26-01; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772-76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 66 FR 38289-38290, dated July 23, 2001) is amended to retitle and revise the functional statement of the Arctic Investigations Program (AIP), National Center for Infectious Diseases (NCID).

Section C-B, Organization and Functions, is hereby amended as follows:

Delete in its entirety the title and functional statement for the Arctic Investigations Program (CFI) and insert the following:

Arctic Investigations Program (CRI). (1) Conducts surveillance of infectious diseases and conditions that impact the health of all residents of the circumpolar region with special emphasis on diseases of high incidence and concern among indigenous peoples of these regions; (2) designs and conducts epidemiologic studies to

investigate the causes and risk factors for infectious diseases among residents of the Arctic and sub-Arctic, and conducts long-term studies to determine sequelae of various etiologic agents; (3) conducts laboratory research to evaluate existing laboratory tests, modifies methods as needed to apply the technology in the Arctic health-care setting, and develops new methods for diagnosis, treatment, and follow-up of health problems; (4) designs and implements studies to evaluate strategies for control of infectious diseases among residents and travelers in the Arctic in collaboration with, the State of Alaska, foreign ministries of health, universities, National Institutes of Health, organizations in Alaska, and other programs within CDC; (5) provides epidemiologic, statistical, computer, and laboratory consultation to organizations in Alaska, other health providers, and public and private health agencies; (6) assists local, national, and international agencies and organizations in developing guidelines for infectious disease prevention and control applicable to Arctic residents; (7) disseminates information on problems of particular import for residents of circumpolar regions; (8) provides training and technological assistance in epidemiology, statistics, and laboratory methodology to health-care personnel working or planning to conduct research in the Arctic; (9) participates in the Arctic Council proceedings, the International Union for Circumpolar activities and other international collaborative efforts to improve the health of all circumpolar populations; and (10) and the predominate Federal agency conducting infectious diseases research in the Arctic, provides local input as needed to the Office of the Director CDC, the Interagency Arctic Research and Policy Committee, Arctic Research Commission, and National Science Foundation as established under the U.S. Arctic Research and Policy Act of 1984.

Office of the Director (CRJ1). (1) Manages, prioritizes, directs, and coordinates the activities of the Arctic Investigation Program (AIP); (2) provides leadership and guidance on policy, program planning and development, program management, and operations; (3) provides AIP-wide administrative services, and coordinates or assures coordination with the appropriate NCID and CDC staff offices on administrative and program matters; (4) provides liaison with other Governmental agencies, international organizations, and other outside groups; (5) advises and represents the Director,

NCID on policy matters concerning American Indians and Alaska Natives and on Arctic health issues in general; (6) responsible for budget planning, formulation, program budget execution, monitoring, and response to budget audits and reviews; (7) responsible for facility management, security, and employee safety; (8) responsible for the editing, clearance, and tracking of manuscripts for publication, abstracts for presentation, and protocols for Institutional Review Board (IRB) and human subjects review; (9) provides technical aid, consultation, and training to AIP staff on health education, behavioral science, distance education, community organization, and electronic, print, and oral communications; and sponsors and participates in national and international meetings and conferences.

Epidemiology Activity (CRJ2). (1) Conducts epidemic investigations, surveillance, and special studies to investigate the causes, risk factors, and prevention of infection diseases among residents of the Arctic and sub-Arctic; (2) analyzes demographic and disease information and other risk factors that contribute to disease morbidity and mortality; (3) develops, evaluates, and implements prevention and control strategies; (4) provides consultation and technical assistance on surveillance and epidemiologic investigations to other agencies and public and private health-care providers; (5) together with the Laboratory and the Biostatistics and Information Branches develops study protocols and coordinates collaborative research projects involving other agencies, universities, and outside researchers; (6) provides training for Epidemic Intelligence Service Officers, visiting fellows and students; (7) advises AIP staff on health education/communication strategies; and (8) prepares reports and manuscripts for publication.

Laboratory Research Activity (CRJ3). (1) Conducts microbiologic, immunologic, and molecular-based studies directed toward the detection, identification, characterization, tracking, and understanding of the pathogenic mechanisms of infectious agents causing diseases of high incidence among residence of the circumpolar regions; (2) establishes and maintains laboratory surveillance and quality assurance procedures for microbial agents targeted for prevention and control; (3) responsible for the safety and security of the laboratory, and maintenance of the security and integrity of a computerized specimen bank; (4) evaluates existing laboratory assays, or develops new assays for the

detection or measurement of antibodies, antigens, nucleic acids, or other markers of microbial agents responsible for infectious diseases and chronic diseases with known or possible infectious etiology; (5) provides laboratory support for epidemiologic studies and outbreak investigations initiated by the Epidemiology Branch and serves as a resource laboratory for the State of Alaska, Section of Laboratories, the Alaska Native Medical Center, and laboratories of other Alaska Native Health Corporations; (6) responsible for maintaining the necessary licensures (NRC, CLIA and Select Agents) required for laboratory studies conducted at AIP; (7) Provides training for visiting fellows, graduate, and undergraduate students pursuing careers in public health laboratory practice; (8) prepares reports, abstracts, and manuscripts for publication; and (9) provides general laboratory consultation to other agencies, public and private health care providers, and researchers conducting studies in Arctic regions.

Biostatistics and Information Management Activity (CRJ4). (1) Develops and maintains computerized database of information gathered as part of AIP's epidemiologic and laboratory studies; (2) provides statistical methodology, participates in the design and analysis, and performs data entry for Program's epidemiologic investigations and surveillance systems; (3) together with the Epidemiology and the Laboratory Branches, designs disease reporting systems for ongoing surveillance; (4) provides statistical consultation for Program staff and other CDC and public health officials; (5) is responsible for the integrity, security, and maintenance of computerized database for a serum bank consisting of 500,000 aliquots of serum from 100,000 Alaskan Natives; (6) is responsible for the operation, maintenance, and upgrading of all computer systems; (7) provides computer training and user support for all program staff; (8) assists in acquisition, translation, and analysis of computerized data from external sources; and (9) prepares reports and manuscripts for publication and provides consultation to other agencies, public and private health-care providers, and researchers.

Dated: July 13, 2001.

Jeffrey P. Koplan,

Director.

[FR Doc. 01-18851 Filed 7-26-01; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Arthritis Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Arthritis Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on August 16 and 17, 2001, from 8 a.m. to 5 p.m.

Location: Holiday Inn, Whetstone and Walker Rooms, Two Montgomery Village Ave., Gaithersburg, MD.

Contact: Kathleen Reedy or LaNise Giles, Center for Drug Evaluation and Research (HFD-21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301-827-7001, or e-mail reedyk@cder.fda.gov, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 12532. Please call the Information Line for up-to-date information on this meeting.

Agenda: On August 16, 2001, the committee will discuss the efficacy and safety of submission tracking number (STN) 103950 Kineret™ (anakinra), Amgen, Inc., for reduction in signs and symptoms of active rheumatoid arthritis. On August 17, 2001, the committee will discuss safety updates for Enbrel™ (etanercept), Immunex, and Remicade™ (infliximab), Centocor, for the treatment of rheumatoid arthritis.

Procedure: On August 16, 2001, from 8 a.m. to 5 p.m. and on August 17, 2001, from 10 a.m. to 5 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by August 10, 2001. Oral presentations from the public will be scheduled between approximately 11 a.m. and 11:30 a.m. both days. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before August 10, 2001,

and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On August 17, 2001, from 8 a.m. to 9:30 a.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential information (5 U.S.C. 552b(c)(4)).

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: July 20, 2001.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 01-18753 Filed 7-26-01; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: CMS-10044]

Agency Information Collection

Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection;

Title of Information Collection: Medicare Lifestyle Modification Program Demonstration; Form No.: CMS-10044 (OMB# 0938-NEW);

Use: This demonstration will focus on two Medicare sponsored, lifestyle modification programs designed to

reverse, reduce or ameliorate the progression of coronary artery disease (CAD) at risk for significant morbidity and mortality. This demonstration will test the cost-effectiveness and feasibility of providing payment for cardiovascular lifestyle modification program services to Medicare beneficiaries.;

Frequency: Baseline Enrollment, 12 and 24 months; Affected Public: Individuals or Households;

Number of Respondents: 2,240;

Total Annual Responses: 1,680;

Total Annual Hours: 1,106.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Melissa Musotto, Room N2-14-26, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Dated: July 13, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01-18785 Filed 7-26-01; 8:45 am]

BILLING CODE 4120-03-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Ricky Ray Hemophilia Relief Fund Program; Notice of Upcoming Deadline

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice; announcement of November 13, 2001, deadline for filing new petitions under the Ricky Ray Hemophilia Relief Fund Program.

SUMMARY: This notice announces the November 13, 2001, deadline for the filing of new petitions under the Ricky Ray Hemophilia Relief Fund Program. This Program implements the Ricky Ray Hemophilia Relief Fund Act of 1998

(the Act), Pub. Law 105-369. The Act provides for compassionate payments to certain individuals with blood-clotting disorders, such as hemophilia, who were treated with antihemophilic factor within a specified time period and contracted human immunodeficiency virus (HIV), as well as to certain persons who contracted HIV from these individuals. In the event individuals eligible for payment are deceased, the Act also provides for payments to certain survivors of these individuals.

The November 13, 2001, deadline is governed by section 105 of the Act, which states that the Secretary may not pay a petition unless it is filed within 3 years after the date of enactment of the Act, November 12, 1998.

ADDRESSES: All petitions must be submitted to the Ricky Ray Program Office, Bureau of Health Professions, Health Resources and Services Administration, Room 8A-54, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Paul T. Clark, Program Director, Bureau of Health Professions, Health Resources and Services Administration, (301) 443-2330.

SUPPLEMENTARY INFORMATION: As stated in the Interim final rule for the Ricky Ray Hemophilia Relief Fund Program (65 FR 34860), the statute was enacted on November 12, 1998; thus, the statutory filing deadline is November 11, 2001. However, since that date falls on a Sunday and is the Veteran's Day holiday, and since November 12, 2001, is the day on which the Veteran's Day holiday is observed by the Federal Government, the deadline for filing a new petition is Tuesday, November 13, 2001. Any new petition postmarked after November 13, 2001, will not be accepted for review, and will be returned to the petitioner as ineligible for payment.

This deadline applies to petitions that have not yet been filed, as well as to petitions that have been submitted previously, but denied payment. In the latter case, the petitioner may file a new petition and submit documentation that was not included in the original petition. The deadline for filing this new petition is also November 13, 2001.

Determination of Postmark Date

To be eligible for review, a petition must be postmarked by a postal service meter by the deadline date. A legibly dated receipt from a commercial carrier or from the U.S. Postal Service accompanying the petition will be accepted in lieu of a postmark. Petitions that are postmarked by a private meter

will not be accepted. To assure fairness to all petitioners regardless of their location, no hand-delivered petitions will be accepted.

If a petitioner uses a commercial carrier, the postmark date is the date affixed by the company when the petitioner deposits the petition package with the carrier. If the petitioner uses a courier service, the postmark date is the date the petitioner gives control of the package to the courier service.

Notice of Intent Does Not Satisfy Filing Deadline

In the **Federal Register** of March 24, 1999 (64 FR 14251), in which the procedures for filing a Notice of Intent to file a petition were described, it was stated that a Notice of Intent would satisfy the statutory filing deadline. However, as noted in the Interim final rule for the Ricky Ray Hemophilia Relief Fund Program, the Notice of Intent was to preserve the right to file in the event that sufficient funds were not appropriated in time to allow for a reasonable process for filing petitions within the statutory deadline. Since there is sufficient funding, the Program has established procedures to comply with the statutory deadline. Therefore, even if a petitioner filed a timely Notice of Intent, the petitioner still must file the petition by the November 13, 2001, deadline to establish eligibility for review. For individuals who filed a Notice of Intent, their place in queue for processing and payment will be determined by the date of submission of their petition, and will not be related to the date they filed their Notices of Intent or to the case numbers assigned to those Notices.

Deadline for Amended Petitions

When a person with HIV has filed a petition by the deadline of November 13, 2001, but dies before payment is made, an eligible survivor must file an amendment to the original petition in order to retain its assigned order number. When a survivor of a person with HIV has filed a petition or an amendment to a petition by the deadline of November 13, 2001, but dies before payment is made, the next-in-line eligible survivor must file an amendment. In addition, when multiple survivors file a petition by the deadline of November 13, 2001, and one of the survivors dies before payment is made, the other survivors must file an amendment.

As noted, an amendment to a petition must be filed in order to retain the assigned order number of the original petition and to receive payment. Under § 130.31(g)(3) of the Ricky Ray Program regulations, the deadline for filing an amended petition is the date of the Secretary's determination of eligibility or the date of payment, whichever is later. In other words, if the original petition is disapproved for payment, the deadline for filing an amended petition is the date that the petition was disapproved. Where the original petition is approved for payment, the deadline for filing an amended petition is before payment is made. No payments will be made after November 12, 2003 (the date on which the Program's authority ends).

Reconsideration of Petitions Disapproved for Payment

In accordance with § 130.40(a) of the Ricky Ray Program regulations, when a petition has been disapproved for payment, the petitioner has the right to request reconsideration of the denial. The petitioner has 60 days from the date of disapproval in which to file this request. If the Program's original determination to disapprove payment is affirmed upon reconsideration, and the petitioner has additional documentation to establish eligibility that was not submitted with the original petition, the petitioner has a right to file a new petition by November 13, 2001.

If a petition is disapproved for payment after November 13, 2001, the petitioner still retains the right to reconsideration and to have 60 days in which to file this request.

Dated: July 20, 2001.

Elizabeth M. Duke,

Acting Administrator.

[FR Doc. 01-18834 Filed 7-26-01; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute Submission for OMB Review; Comment Request; Multi-Ethnic Study of Atherosclerosis (MESA) Event Surveillance

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National

Heart, Lung, and Blood Institute (NHLBI), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval the information collection listed below. This proposed information collection was previously published in the **Federal Register** on 4/25/01 pages 20820-20821, and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection:

Title: Multi-Ethnic Study of Atherosclerosis (MESA) Event Surveillance. *Type of Information Request:* New. (OMB No. 0925-XXXX). *Need and Use of Information Collection:* The study, MESA, will identify and quantify factors associated with the presence and progression of subclinical cardiovascular disease (CVD)—that is, atherosclerosis and other forms of CVD that have not produced signs and symptoms. The findings will provide important information on subclinical CVD in individuals of different ethnic backgrounds and provide information for studies on new interventions to prevent CVD. The aspects of the study that concern direct participant evaluation received a clinical exemption from OMB clearance (CE-99-11-08) in April 2000. OMB clearance is being sought for the contact of physicians and participant proxies to obtain information about clinical CVD events that participants experience during the follow-up period. *Frequency of Response:* Once per CVD event. *Affected Public:* Individuals. *Types of Respondents:* Physicians and selected proxies of individuals recruited for MESA. The annual reporting burden is as follows: *Estimated Number of Respondents:* 555; *Estimated Number of Responses per Respondent:* 1.0; and *Estimated Total Annual Burden Hours Requested:* 42. The annualized cost to respondents is estimated at \$6,733. There are no capital, operating, or maintenance costs to report.

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
Physicians	279	1.0	0.20	19
Participant proxies	276	1.0	0.25	23
Total	555	1.0	0.225	42

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information will have practical utility; (2) The accuracy of the agency's estimate of burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Way to minimize the burden of collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Diane Bild, Project Officer, NIH, NHLBI, Division of Epidemiology and Clinical Applications, 6701 Rockledge Drive, MSC 7934, Bethesda, MD 20892, or call non-toll-free number (301) 435-0707 or E-mail your request, including your address to: bd3@nih.gov.

Comments Due Date

Comments regarding this information are best assured of having their full effect if received on or before August 27, 2001.

Dated: July 17, 2001.

Peter J. Savage,

Acting Director, Division of Epidemiology and Clinical Applications.

[FR Doc. 01-18729 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: August 15, 2001.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: John R. Lymangrover, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301-594-4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: July 19, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-18709 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: August 8, 2001.

Time: 9:30 a.m. to 11:30 p.m.

Agenda: To review and evaluate grant applications.

Place: 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Alan L. Willard, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIS/DHHS, Neuroscience Center, 6001 Executive Blvd., suite 3208, MSC 9529, Bethesda, MD 20892-9529, 301-496-9223.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: August 21, 2001.

Time: 8:30 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Mayflower Hotel, 1127 Connecticut Ave, Washington DC 20036.

Contact Person: Paul A. Sheehy, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd, suite 3208, MSC 9529, Bethesda, MD 20892-9529, 301-496-9223.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the

Neurosciences, National Institutes of Health, HHS)

Dated: July 19, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-18710 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: August 29, 2001.

Time: 11:30 AM to 2:30 PM.

Agenda: To review and evaluate grant applications.

Place: 45 Natcher Bldg, Rm 5As.25u, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Tracy A. Shahan, PhD, Scientific Review Administrator, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Natcher Building, MSC 6500, 45 Center Drive, 5AS-25H, Bethesda, MD 20892, (301) 594-4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: July 19, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-18711 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, NIAAA Special Emphasis Panel.

Date: July 24, 2001.

Time: 1:00 PM to 3:00 PM.

Agenda: To review and evaluate grant applications.

Place: Willco Building, Suite 409, 6000 Executive Boulevard, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Sean O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892-7003, 301-443-2861.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: July 19, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-18712 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of person privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: July 26, 2001.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications. 6100 Executive Blvd., Room 5E01, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Anne Krey, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., RM. 5E03, Bethesda, MD 20892, 301-435-6908.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: July 19, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-18713 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: August 15, 2001.

Time: 10 AM to 3 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Anne Krey, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Rm. 5E03, Bethesda, MD 20892, 301-435-6908.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: July 19, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-18714 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel Program Projects.

Date: August 1, 2001.

Time: 9 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: JW Marriott Hotel, 1331 Pennsylvania Avenue, Washington, DC 20004.

Contact Person: Mark R. Green, Chief, Ceasrb, Office of Extramural Affairs, National Institute on Drug Abuse, National Institute of Health, DHHS, Suite 3158, 6001 Executive Boulevard, Bethesda, MD 20892-9547, (301) 435-1431.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards and Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: July 19, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-18715 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel.

Date: July 31, 2001.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Building, Conference Room H, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: John E. Richters, Scientific Review Administrator, National Institute of Nursing Research, National Institute of Health, Natcher Building, Room 3AN32, Bethesda, MD 20892, (301) 594-5971.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institute of Health, HHS).

Dated: July 19, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-18719 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel.

Date: July 31, 2001.

Time: 9:00 AM to 10:00 AM.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Building, Conference Room C, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: John E. Richters, Scientific Review Administrator, National Institutes of Health, Natcher Building, Room 3AN32, Bethesda, MD 20892, (301) 594-5971.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: July 19, 2001.

LaVerne Y. Stringfield,

*Director, Office of Federal Advisory
Committee Policy.*

[FR Doc. 01-18720 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: August 6, 2001.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Henry J. Haigler, PhD, Associate Director for Staff Development, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Rm. 6150, MSC 9608, Bethesda, MD 20892-9608, 301/443-7216.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: July 19, 2001.

LaVerne Y. Stringfield,

*Director, Office of Federal Advisory
Committee Policy.*

[FR Doc. 01-18721 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: July 30, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Jon M. Ranhand, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 435-6884.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: July 19, 2001.

LaVerne Y. Stringfield,

*Director, Office of Federal Advisory
Committee Policy.*

[FR Doc. 01-18722 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: July 24, 2001.

Time: 8 am to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency, One Metro Center, Bethesda, MD 20814.

Contact Person: Jon M. Ranhand, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 435-6884.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: July 19, 2001.

LaVerne Y. Stringfield,

*Director, Office of Federal Advisory
Committee Policy.*

[FR Doc. 01-18725 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial

property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: August 7–9, 2001.

Time: 8:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Jon M. Ranhand, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 435–6884.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: July 19, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–18726 Filed 7–26–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: August 1, 2001.

Time: 9:00 AM to 11:30 AM.

Agenda: To review and evaluate grant applications.

Place: 6100 Executive Blvd., Room 5E01, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Anne Krey, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Rm. 5E03, Bethesda, MD 20892, 301–435–6908.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: July 18, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–18727 Filed 7–26–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel Functional Neuroimaging in Turner Syndrome.

Date: August 2, 2001.

Time: 11:00 AM to 1:00 PM.

Agenda: To review and evaluate grant applications.

Place: 6100 Executive Blvd., Room 5E01, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Norman Chang, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 496–1485.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: July 19, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy

[FR Doc. 01–18728 Filed 7–26–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Regents of the National Library of Medicine.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Regents of the National Library of Medicine.

Date: September 11–12, 2001.

Open: September 11, 2001, 9:00 AM to 4:30 PM.

Agenda: Administrative Reports & Program Discussion.

Place: National Library of Medicine, Board Room Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Closed: September 11, 2001, 4:30 PM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Board Room Bldg 38, 2E-09, 8600 Rockville Pike, Bethesda, MD 20894.

Open: September 12, 2001, 9:00 AM to 12:00 PM.

Agenda: Administrative Reports & Program Discussion.

Place: National Library of Medicine, Board Room Bldg 38, 2E-09, 8600 Rockville Pike, Bethesda, MD 20894.

Contact Person: Donald A.B. Lindberg, Director, National Library of Medicine, National Institutes of Health, Bldg. 38, 2E17B, Bethesda, MD 20894.

Information is also available on the Institute's/Center's home page: www.nlm.nih.gov/od/bor/bor.html, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: July 17, 2001.

LaVerne Y. Stringfield

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-18723 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel.

Date: August 1, 2001.

Time: 9:00 a.m. to 10:00 a.m.

Agenda: To review and evaluate contract proposals.

Place: National Library of Medicine; 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Merlyn M. Rodrigues, Medical Officer/SRA, National Library of Medicine, Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20894.

This notice is being published less than 15 days prior to the meeting due the timing

limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: July 17, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-18724 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, July 23, 2001, 12 PM to July 23, 2001, 1 PM, NIH, Rockledge 2, Bethesda, MD, 20892 which was published in the **Federal Register** on July 16, 2001, 66 FR 37044-37046.

The meeting has been changed to July 6, 2001, from 3 PM to 4 PM. The location remains the same. The meeting is closed to the public.

Dated: July 19, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-18716 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The other and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the other, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 23, 2001.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate other.

Place: NIH Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Sally Ann Amero, Scientific Review Administrator, Center for Scientific Review, Genetic Sciences Integrated Review Group, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC7890, Bethesda, MD 20892-7890, 301-435-1159, ameros@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 19, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-18717 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 1, 2001.

Time: 1 pm to 3 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Timothy J. Henry, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4180, MSC 7808, Bethesda, MD 20892, (301) 435-1147.

This notice is being published less than 15 days prior to the meeting due to the timing

limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 1, 2001.

Time: 1:30 pm to 3:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Samuel C. Edwards, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7812, Bethesda, MD 20892, (301) 435-1152, edwardss@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 2, 2001.

Time: 11 am to 1 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Timothy J. Henry, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4180, MSC 7808, Bethesda, MD 20892, (301) 435-1147.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 2, 2001.

Time: 3 pm to 4 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Gloria B. Levin, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7848, Bethesda, MD 20892, (301) 435-1017, leving@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 8, 2001.

Time: 11 am to 1:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: John Bishop, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435-1250.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 8, 2001.

Time: 1:30 pm to 3:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Marcia Litwack, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7804, Bethesda, MD 20892, (301) 435-1719.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 9-10, 2001.

Time: 8:30 am to 4 pm.

Agenda: To review and evaluate grant applications.

Place: The American Inn, 8130 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: David J. Remondini, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2210 MSC 7890, Bethesda, MD 20892, 301-435-1038, remondid@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 9, 2001.

Time: 2 pm to 3 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Robert Weller, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3160, MSC 7770, Bethesda, MD 20892, (301) 435-0694.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 19, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-18718 Filed 7-26-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4644-N-30]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: July 27, 2001.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, Department of Housing and Urban Development, Room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-1234;

TTY number for the hearing- and speech-impaired (202) 708-2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless.

Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: July 20, 2001.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

[FR Doc. 01-18580 Filed 7-26-01; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Federal Geographic Data Committee (FGDC); Public Review of Content Standard for Digital Geospatial Metadata: Extensions for Remote Sensing Metadata

ACTION: Notice; request for comments.

SUMMARY: The FGDC is conducting a public review of the draft Content Standard for Digital Geospatial Metadata: Extensions for Remote Sensing Metadata. An interagency team under the sponsorship of the FGDC Standards Working Group developed this draft standard over several years and the FGDC Coordination Group comprised of representatives from Federal agencies approved releasing this standard for public review. The FGDC invites software vendors and data users and producers in public and private sectors to comment on this standard to ensure that the standard meets their needs.

Comments that address specific issues/changes/additions may result in revisions to the draft NSDI Content Standard for Digital Geospatial Metadata: Extensions for Remote Sensing Metadata. After comments have been evaluated, participants will receive notification of how their comments were addressed. After formal endorsement of the standard by the FGDC, the standard and a summary

analysis of the changes will be made available to the public.

DATES: Comments must be received on or before Friday, August 31, 2001.

ADDRESSES: The draft standard may be downloaded via Internet address http://www.fgdc.gov/standards/status/csdgm_rs_ex.html

Request for printed copies of the standard should be addressed to "Extensions for Remote Sensing Metadata," FGDC Secretariat (attn: Julie Binder Maitra), U.S. Geological Survey, 590 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 20192 or facsimile 703-648-5755 or Internet at jmaitra@usgs.gov.

Reviewer's comments may be sent to FGDC via Internet mail to gdc-remotesensing@www.fgdc.gov. Reviewer's comments may also be sent to the FGDC Secretariat at the above postal address. If sending comments by postal mail, please send one hardcopy version of the comments and a softcopy version on 3.5-inch diskette in Microsoft Word or Rich Text Format. All reviewers are strongly urged to use the template for sending comments that may be downloaded from Internet address <http://www.fgdc.gov/standards/directives/dir2d.html>

SUPPLEMENTARY INFORMATION: Following is information about the draft Content Standard for Digital Geospatial Metadata: Extensions for Remote Sensing Metadata, submitted by the FGDC Standards Working Group:

Objectives: The purpose of this standard is to provide extensions to the Federal Geographic Data Committee (FGDC) Content Standard for Digital Geospatial Metadata (also referred to hereafter as the Metadata Content Standard) for metadata describing geospatial data obtained from remote sensing. Efforts are being made to make these extensions compatible with the framework and content of the ISO metadata standard now undergoing the approval process, in order that the FGDC standard can be converted to ISO form for use as remote sensing extensions to the ISO standard.

Scope: These extensions define content standards for additional metadata, not defined in the Metadata Content Standard, that are needed to describe data obtained from remote sensing. They include metadata describing the sensor, the platform, the method and process of deriving geospatial information from the raw telemetry, and the information needed to determine the geographical location of the remotely sensed data. In addition, metadata to support aggregation, both the components of an aggregate data set

and the larger collection of which a data item may be a member, will be supported.

Karen Siderelis,

Geographic Information Officer.

[FR Doc. 01-18748 Filed 7-26-01; 8:45 am]

BILLING CODE 4310-Y7-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Federal Geographic Data Committee (FGDC); Public Comment on the Proposal to Develop a "Riparian Mapping Standard."

ACTION: Notice; request for comments.

SUMMARY: The FGDC is soliciting public comments on the proposal to develop a "Riparian Mapping Standard." If the proposal is approved, the standard will be developed following the FGDC standards development and approval process and will be considered for adoption by the FGDC.

In its assigned federal leadership role in the development of the National Spatial Data Infrastructure (NSDI), the Committee recognizes that FGDC standards must also meet the needs and recognize the views of State and local governments, academia, industry, and the public. The purpose of this notice is to solicit such views. The FGDC invites the community to review the proposal and comment on the objectives, scope, approach, and usability of the standard; identify existing related standards; and indicate their interest in participating in the development of the standard.

DATES: Comments must be received on or before August 24, 2001.

ADDRESSES: Comments may be submitted via Internet or by postal mail. Reviewers may send comments via Internet to: FW9WetlandsSubcommittee@fws.gov. If submitting comments by postal mail, please send a soft copy version on 3.5-inch diskette in Microsoft Word or Rich Text Format (preferred) format and one copy of a hardcopy version to the FGDC Secretariat (attn: Julie Binder Maitra) at U.S. Geological Survey, 590 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 20192.

SUPPLEMENTARY INFORMATION: Following is the proposal for the "Riparian Mapping Standard":

Project Title: Adoption of a Riparian Mapping Standard for areas of the United States where mean annual evaporation exceeds mean annual precipitation.

Date of Proposal: November 14, 2000.

Type of Standard: This proposed standard is classified as a Data Classification Standard (definition and hierarchical nomenclature) and the accompanying Data Symbolology or Presentation Standard (cartographic conventions) according to the FGDC Standards Reference Model.

Submitting Organization: Subcommittee for Wetlands, Federal Geographic Data Committee

Point of Contact: Bill O. Wilen, Chair, National Wetlands Inventory, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 400, Arlington, VA 22203, E-mail: bill_wilen@fws.gov, Phone: 703-358-2161, Fax: 703-358-1869.

Objectives: (1) To develop a unified Riparian Mapping Standard to define riparian, delineate its application, and to describe and define cartographic conventions for use in riparian mapping for the National Spatial Data Infrastructure (NSDI).

(2) To minimize redundancy in effort in developing riparian mapping standards, ensure consistency in application of standards, facilitate data sharing and integrate riparian spatial data with data developed under the FGDC Wetlands Standard.

Scope: What is Riparian? (taken from "A System for Mapping Riparian Areas in the Western United States," U.S. Fish and Wildlife Service, December 1997) <http://wetlands.fws.gov/Riparian.htm>

"There are many riparian definitions used by government agencies and the private sector. Riparian initiatives often concentrate on either functionality or land use application where an exact definition is not required. However, a riparian definition is essential for consistent and uniform identification and mapping. For these purposes, in the area of applicability:"

"Riparian areas are plant communities contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent lotic and lentic water bodies (rivers, streams, lakes, or drainage ways). Riparian areas have one or both of the following characteristics: (1) Distinctively different vegetative species than adjacent areas, and (2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian areas are usually transitional between wetland and upland."

This proposed national standard would standardize and ensure consistency of the geospatial mapping of riparian areas in the United States where evaporation exceeds precipitation. The U.S. Fish and Wildlife Service has adopted this standard, developed with Federal and State agency participation, as an Agency

Riparian Standard. The U.S. Fish and Wildlife Service has recently completed testing of this mapping standard to assess its completeness and utility by Federal client agencies (sample maps are provided with this proposal). Member agencies in the Federal Geographic Data Committee's (FGDC) Subcommittee for Wetlands have reviewed the Agency Riparian Standard and have agreed to propose it as an FGDC Standard.

This standards development process under the FGDC would expand the review of the Agency standard, make any needed changes identified during the process, and propose the riparian mapping standards for adoption under the Federal Geographic Data Committee Standards. Once adopted, the Riparian Standard would be made available both through the Service's and the FGDC websites. Once a riparian standard is adopted, the digitized wetland-riparian maps will be made a part of the National Spatial Data Infrastructure.

Justification/Benefits: Riparian areas are among the most important vegetative communities for wildlife species. Chaney, et al. (1990) observed that greater than 75 percent of terrestrial wildlife species in the Great Basin region of eastern Oregon, as well as in southeastern Wyoming, are dependent on riparian areas. In Arizona and New Mexico, 80 percent of all vertebrates use riparian areas for at least half their life cycles; more than half of these are totally dependent on riparian areas. Similarly, the Arizona Riparian Council found that 60–75 percent of Arizona's resident wildlife species depend on riparian areas to sustain their populations, yet these areas occupy less than 0.5 percent of the state's land area. Aquatic and fish productivity are directly related to a properly functioning and healthy riparian habitat (Washington Dept. Fish and Wildlife 1995). Mapping of riparian areas is an important tool for managing wildlife habitat in the United States.

The Fish and Wildlife Service, through the National Wetlands Inventory, is Congressionally mandated to identify, classify, and digitize all wetlands and deepwater habitats in the United States. The Service is also authorized to map habitats used by fish and wildlife resources under the Fish and Wildlife Act of 1956. The Fish and Wildlife Service chairs the FGDC Wetlands Subcommittee. As such, the Fish and Wildlife Service is responsible for coordinating the development, use, sharing and dissemination of wetlands data. The Fish and Wildlife Service's Agency Wetlands Standards were adopted as FGDC Wetlands Standards in

December 1996. The Wetlands Standard (Cowardin *et al.* 1979) is the basis for all wetlands maps prepared by the Fish and Wildlife Service's National Wetlands Inventory. The National Wetlands Inventory has extensive mapping expertise and knowledge involving wetland identification and classification, photo interpretation, and digital data capabilities. Periodically the Fish and Wildlife Service has added upland habitat at the request of funding agencies. Reflecting this expertise, the National Wetlands Inventory is asked to provide resource mapping guidance, and with increasing frequency, is requested to map riparian areas of the western United States. To meet the increasing riparian mapping requests, the Fish and Wildlife Service, with assistance and review by other Federal and State agencies, developed an Agency riparian mapping standard in December 1997 entitled "A System for Mapping Riparian Areas in the Western United States."

Riparian mapping standards were necessary to ensure consistency in riparian mapping efforts in various regions and for the various Federal agencies that were funding these efforts. Riparian standards consistent with the FGDC Wetlands Standard were needed for combined wetland-riparian mapping. Compatibility with the FGDC Wetlands Standard is also very important because the Fish and Wildlife Service has completed draft or final wetland maps for over 90 percent of the conterminous United States using this standard. Because the Agency Riparian Standard was developed using the same hierarchical and cartographic system as the FGDC Wetlands Standard, they can be used in concert. The Fish and Wildlife Service has begun mapping riparian areas for land management agencies using the Agency Riparian Standard in conjunction with wetland mapping using the Wetlands Standards. During the three years the Service has used Riparian Standards, it has produced 41 wetland-riparian maps at the scale of 1:24,000 that are available for review and discussion.

A few riparian mapping projects have been completed by non-Federal organizations that did not use the hierarchical Wetland Standard as a model. These projects do not complement the Wetlands Standard and cannot be used for comparison across projects and for data sharing. They are also in variance with the Fish and Wildlife Service's Agency Standard. To avoid this incompatibility continuing, it is important to develop and adopt a Federal standard that can be reviewed, commented on, and adopted by outside

organizations on a voluntary basis to assure uniformity of data development. Riparian data developed using FGDC Standards can be added to the National Spatial Data Infrastructure. Riparian data developed using other standards would not be added to the wetlands layer of the National Spatial Data Infrastructure and not available to agencies that need to use the data. Having an FGDC Riparian Standard would remove this impediment to data sharing. It is also expected this riparian mapping standard will foster new and enhanced coordination among Federal and States agencies, standardize data, and advance data sharing.

Potential Participants: Because of its legislative mandates and authorities, the Fish and Wildlife Service will lead this effort to develop an FGDC Riparian Standard through its Chair of the Wetland Subcommittee of the FGDC. Every Federal agency with interest in wetlands and riparian mapping is represented on this Subcommittee. The Wetlands Subcommittee agencies involved with the development of the Riparian Standard as an FGDC Standard will be:

Principal Agencies for Standards Development Group

U.S. Fish and Wildlife Service, DOI
(Chair)
U.S. Bureau of Land Management, DOI
National Park Service, DOI
U.S. Forest Service, USDA
Natural Resources Conservation Service,
USDA
National Marine Fisheries Service,
NOAA
U.S. Army Corp of Engineers
U.S. Geological Survey

Other Reviewing Agencies in the Wetlands Subcommittee

Bureau of Reclamation, DOI
U.S. Environmental Protection Agency
Department of Energy
Biological Resources Division, USGS
Office of Surface Mining, DOI
Department of the Interior
National Oceanographic and
Atmospheric Administration
U.S. Marine Corp
U.S. Navy
National Air and Space Administration
Tennessee Valley Authority
U.S. Air Force
Department of Housing and Urban
Development

There was wide participation in the development of the Fish and Wildlife Service's Agency Riparian Standard. The principal authors of the Riparian Standard are David Dall, Chuck Elliott, and Dennis Peters; NWI Regional Wetland Coordinators in the Western

United States. Several early drafts were reviewed by National Wetlands Inventory staff of all the Fish and Wildlife Service's 7 Regions. Subsequent review was provided by Field Offices of the Division of Ecological Services and Refuges. Valuable review and criticism of the draft was provided by the following outside agencies and organizations as the draft approached the final version: Arizona Game and Fish Department, California Department of Fish and Game, Iowa Department of Natural Resources, Kansas Department of Wildlife and Parks, Louisiana Department of Wildlife and Fisheries, Nebraska Game and Parks Commission, Nevada Division of Wildlife, Texas Parks and Wildlife Department, Utah Division of Wildlife Resources, Wyoming Game and Fish Department, U.S. Army Corps of Engineers, U.S. Bureau of Land Management, U.S. Bureau of Reclamation, U.S. Environmental Protection Agency, U.S. Geological Survey, U.S. National Park Service, U.S. Natural Resources Conservation Service, U.S. Office of Surface Mining, University of Montana (School of Forest Resources), Wyoming Natural Diversity Database, and Donn Kesselheim.

The Fish and Wildlife Service's Agency Riparian Standard has been available and distributed in printed format for three years. It has also been available on the Internet at the National Wetlands Inventory website at <http://wetlands.fws.gov> for three years. In Step 8, Coordinate Public Review, in order to ensure a systematic review of the draft FGDC standards and the resultant maps, we envision one or more regional meetings, in the area of applicability. States, conservation groups, academia, and industry would be invited. Suggestions for modifications would be reviewed by the Standards Development Group and recommendations made to the Wetlands Subcommittee as a whole. The Subcommittee would be the approving body for the draft standard and for subsequent changes that are identified after implementation.

The draft standard will include maintenance and update procedures. The Subcommittee will use a consensual method of decision making for all changes suggested. Consensus is defined in Circular A-119 as general agreement, but not necessarily unanimity, and includes a process for attempting to resolve objections by interested parties, as long as all comments have been fairly considered, each objector is advised of the disposition of his or her objection(s) and the reasons why, and the consensus

body members are given an opportunity to change their votes after reviewing the comments. Riparian mapping is a dynamic enterprise; changes and refinement are expected throughout the life of the Standard.

Related Standards: The proposed FGDC Riparian Standard was developed in the hierarchical framework of the existing FGDC Wetlands Standard (Cowardin *et al.*), using standard wetland mapping conventions. The developers of the proposed Riparian Standard are experts in wetland mapping using the FGDC Wetlands Standard. The proposed standard is fully integrated with and does not overlap with the FGDC Wetlands Standard and has been used to produce a few composite wetland-riparian maps. Once a standard is in place, the data generated using that standard will be added to the National Spatial Data Infrastructure and will be available over the Internet.

A Vegetation Classification Standard was recently adopted by the FGDC. That standard was established to "enable Federal agencies to collect vegetation information in a standard format and apply a standard classification system to vegetation in reports and on maps. This uniform National Vegetation Classification Standard (NVCS) should complement regional or local classifications that are designed to meet more specific objectives." Although the FGDC vegetation standard contains associations of vegetative communities that would fit the riparian definition, in reality, those communities can be both riparian and upland. This makes them incompatible with the need by land managing agencies to map riparian areas.

There are no other Federal riparian mapping standards available nor are there any similar Federal riparian mapping standards being developed. There are neither any "voluntary consensus standards," nor any "non-consensus standards," "Industry standards," "Company standards," nor "de facto standards," to adopt for mapping riparian areas as defined in OMB Revised Circular No. A-119, dated February 10, 1998. If available, they would be used even though A-119 does not apply to this action because the proposed riparian standards are not for procurement or regulatory activities.

The Fish and Wildlife Service's Agency Riparian Standard was developed by Federal employees, does not contain any proprietary information, is not copyrighted, and has no licensing limitations.

The proposed FGDC Riparian Standards stands independent of any

specific technology application. It does not limit any appropriate vendor from access.

Resources Required: FGDC Wetland Subcommittee members will provide the resources to prepare the working draft. Funding may be sought from the FGDC for travel by participants from States and other concerned organizations for the one or more regional meetings being considered.

Target Authorization Body: The FGDC Steering Committee is the target authorization body for this standard.

Karen C. Siderelis,

Geographic Information Officer.

[FR Doc. 01-18749 Filed 7-26-01; 8:45 am]

BILLING CODE 4310-Y7-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT-923-01-1230-00]

Fair Market Value Meeting for the Flat Canyon Coal Tract, Sanpete County, Utah

AGENCY: Bureau of Land Management.

ACTION: Notice of Public Meeting and Call for Public Comment on the Draft Environmental Impact Statement, Proposed Sale and Fair Market Value and Maximum Economic Recovery Consideration for Coal Lease Application UTU-77114.

SUMMARY: The Bureau of Land Management (BLM) held a public meeting on June 21, 2001 on the Draft Environmental Impact Statement, the proposed sale and requests public comment on the fair market value of certain coal resources it proposes to offer for competitive lease sale. The lands included in the delineated Federal coal lease tract ("Flat Canyon") are located in Sanpete County, Utah approximately 10 miles southwest of Scofield, Utah on public and private land located in the Manti-La Sal National Forest are described as follows:

- T. 13 S., R. 6 E., SLM
Section 21, Lots 1-4, E2E2,
Section 28, Lots 1-8, S2NW, SW,
Section 23, E2, E2W2, NWNW, SWSW.
- T. 14 S., R. 6 E., SLM
Section 2, Lots 1-4, S2N2, S2,
Section 5, Lots 1-4, S2N2, S2.

Non Federal Lands With Non Federal Coal

- T. 13 S., R. 6 E., SLM
Section 29, E2SE, SENE, S2NENE,
Section 32, E2E2.
- T. 14 S., R. 6 E., SLM
Section 3, W2, and portions to Electric Lake,
Section 8, N2N2,

Section 9, N2N2,
Section 10, N2N2 excluding Electric Lake.

Approximately 3792 acres

The tract has three potentially minable coal beds, the Lower O'Connor B, Lower O'Connor A and the Flat Canyon. The minable portions of the coal beds in this area are from 6 to 14 feet in thickness. The tract contains an estimated 36 million tons of recoverable high-volatile C bituminous coal. The coal quality in the seams on an "as received basis" is as follows: 12,700 Btu/lb., 5.95 percent moisture, 4.63 percent ash, 44.73 percent volatile matter, 44.69 percent fixed carbon and 0.44 percent sulfur. The public is invited to the meeting to make public and/or written comments on the environmental implications of leasing the proposed tract, and also to submit comments on the Fair Market Value and the Maximum Economic Recovery of the tract.

SUPPLEMENTARY INFORMATION: In accordance with Federal coal management regulations 43 CFR 3422 and 3425, a public meeting was held on the proposed sale to allow public comment on and discussion of the potential effects of mining and proposed lease. The meeting was advertised in two newspapers, the Sun Advocate located in Price, Utah, and the Pyramid located in Mount Pleasant, Utah. 43 CFR 3422 states that, No less than 30 days prior to the publication of the notice of sale, the Secretary shall solicit public comments on the Fair Market Value appraisal and Maximum Economic Recovery and on factors that may affect these two determinations. Proprietary data marked as confidential may be submitted to the Bureau of Land Management in response to this solicitation of public comments. Data so marked shall be treated in accordance with the laws and regulations governing the confidentiality of such information. A copy of the comments submitted by the public on fair market value and maximum economic recovery, except those portions identified as proprietary by the author and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the Bureau of Land Management, Utah State Office during regular business hours (8:00 a.m.–4:00 p.m.) Monday through Friday. Comments on the Fair Market Value and Maximum Economic Recovery should be sent to the Bureau of Land Management and should address, but not necessarily be limited to the following information.

1. The quality and quantity of the coal resource;

2. The mining methods or methods which would achieve maximum economic recovery of the coal, including specifications of seams to be mined and the most desirable timing and rate of production;

3. Whether this tract is likely to be mined as part of an existing mine and therefore should be evaluated on a realistic incremental basis, in relation to the existing mine to which it has the greatest value;

4. Whether the tract should be evaluated as part of a potential larger mining unit and evaluated as a portion of a new potential mine (i.e., a tract which does not in itself form a logical mining unit);

5. Restrictions to mining which may affect coal recovery;

6. The price that the mined coal would bring when sold;

7. Costs, including mining and reclamation, or producing the coal and the time of production.

8. The percentage rate at which anticipated income streams should be discounted, either with inflation or in the absence of inflation, in which case the anticipated rate of inflation should be given;

9. Depreciation, depletion, amortization and other tax accounting factors;

10. The value of any surface estate where held privately;

11. Documented information on the terms and conditions of recent and similar coal land transactions in the lease sale area;

12. Any comparable sales data of similar coal lands; and

Coal quantities and the Fair Market Value of the coal developed by BLM may or may not change as a result of comments received from the public and changes in the market conditions between now and when final economic evaluations are completed. A notice of availability for the Flat Canyon Draft Environmental Impact Statement was published in the **Federal Register** on April 18, 2001. By virtue of this notice, all comments on the Draft Environmental Impact Statement should have been received by the Forest Supervisor of the Manti-La Sal National Forest, 599 West Price River Drive, Price, Utah 84501 by July 2, 2001.

DATES: The public meeting was held at the Flat Canyon Campground group site in Flat Canyon on State Highway 264, from 6:00 p.m.—8:00 p.m. on June 21, 2001. If the public wishes to have an additional meeting on the subject, please notify Mr. Stan Perkes, 801–539–4036 or a request in writing may be submitted to the Utah State Director,

Bureau of Land Management, Utah State Office, Division of Lands and Minerals P.O. Box 45155, Salt Lake City, Utah 84145–0155, by July 24, 2001.

FOR FURTHER INFORMATION CONTACT: Written comments on the Fair Market Value and Maximum Economic Recovery must be received by August 24, 2001 and should be addressed to Stan Perkes, 801–539–4036, Bureau of Land Management, Utah State Office, Division of Lands and Minerals, P.O. Box 45155, Salt Lake City, Utah 84145–0155.

Dated: June 28, 2001.

Roger Zortman,
DSD, Division of Lands and Minerals.
[FR Doc. 01–18687 Filed 7–26–01; 8:45 am]
BILLING CODE 4310–DQ–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–610–01–1610–DL]

Notice of Extension of the Public Comment Period for the Draft Northern and Eastern Colorado Desert Coordinated Management Plan Environmental Impact Statement and the Draft Northern and Eastern Mojave Plan Amendments and Environmental Impact Statement

AGENCY: Bureau of Land Management, Department of the Interior, California Desert District Office, Riverside, California.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM) has extended the public comment period for the Draft Northern and Eastern Colorado Desert Coordinated Management Plan Environmental Impact Statement and the Draft Northern and Eastern Mojave (NEMO) Plan Amendments and Environmental Impact Statement to Thursday, November 1, 2001.

SUPPLEMENTARY INFORMATION: The Draft Northern and Eastern Colorado Desert Coordinated Management (NECO) Plan Environmental Impact Statement was released for public review February 26, 2001. BLM extended the original 90-day public comment period to July 9, 2001. The Draft Plan analyzes alternatives for managing threatened, endangered, and sensitive species and habitats on federal lands administered by the BLM, Joshua Tree National Park, and the U.S. Marine Corps Chocolate Mountains Aerial Gunnery Range, and will amend BLM's 1980 California Desert Conservation Area Plan. The NECO planning area encompasses about 5.5 million acres in

eastern San Bernardino, Riverside and Imperial Counties.

The Draft Northern and Eastern Mojave (NEMO) Plan Amendments and Environmental Impact Statement (EIS) was released for public review and comment April 13, 2001, and also will amend BLM's 1980 California Desert Conservation Area Plan. The Draft NEMO Plan EIS will provide for strategic, comprehensive management, including a programmatic biological opinion for the desert tortoise, and streamline the processing of land-use permits. The NEMO study area encompasses approximately 7.8 million acres, which includes Death Valley National Park, the Mojave National Preserve, and the planning area includes 2.4 million acres of BLM-managed public lands between the two park units.

Background Information: The Draft NECO and NEMO Plans are available online at <http://www.ca.blm.gov/cdd/landuseplanning.html>. For a bound/CDRom copy of the Draft NECO Plan contact Dick Crowe at (909) 697-5200. For a bound/CDRom copy of the Draft NEMO Plan contact Edy Seehafer at (760) 525-6000.

DATES: Written statements on the Draft Northern and Eastern Colorado Desert Coordinated Management Plan Environmental Impact Statement and the Draft Northern and Eastern Mojave Plan Amendments and Environmental Impact Statement must be submitted or postmarked no later than November 1, 2001.

ADDRESSES: Comments regarding the Draft NECO Plan should be mailed to the Bureau of Land Management, Attn: Dick Crowe, 6221 Box Springs Blvd., Riverside, CA 92507. Comments regarding the Draft NEMO Plan should be mailed to the Bureau of Land Management, Attn: Edy Seehafer, 2601 Barstow Road, Barstow, California 92507.

FOR FURTHER INFORMATION CONTACT: Dick Crowe at (909) 697-5216 or Edy Seehafer at (760) 252-6021.

Dated: July 6, 2001.

Tim Salt,

District Manager, California Desert District.
[FR Doc. 01-18688 Filed 7-26-01; 8:45 am]

BILLING CODE 4310-40-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-930-1430-ER]

Notice of Intent; NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an environmental impact statement (EIS) for the Toquop Energy Project/Lincoln County well field, water pipeline and access road rights-of-way in southeastern Lincoln County, Nevada.

SUMMARY: The action to be evaluated by this EIS is the granting of rights-of-way across public land administered by the Bureau of Land Management in southeastern Lincoln County, Nevada. The rights-of-way have been requested by Toquop Energy, Inc. and Lincoln County, Nevada for use in developing a water well field, water pipelines and improving an existing access road to the site of a proposed 1100 megawatt electrical generating plant. The power plant will be located on private land.

ADDRESSES: Written comments should be addressed to: Bureau of Land Management, Gene A. Kolkman, Field Manager, Ely, HC 33, Box 33500, Ely, NV 89301-9408.

FOR FURTHER INFORMATION CONTACT: Daniel R. Netcher, Team Leader for Lands and Minerals, at the above address or telephone (775) 289-1872.

SUPPLEMENTARY INFORMATION: Toquop Energy has proposed a 1100 Megawatt electrical facility fueled by natural gas from the Kern River pipeline. The project will be located at T. 11 S., R. 69 E., Section 36 Mount Diablo Meridian. The power plant will be located on private lands and Toquop Energy has requested a Federal Land Policy and Management Act rights-of-way for road access and water pipeline access to the facility. This EIS will evaluate the proposed right of way Action (granting of requested rights-of-way) and a No Action alternative. In addition, the EIS may consider alternative locations/alignment of the well field, water pipelines and access road. Key issues likely to be considered in analyzing each alternative include groundwater hydrology; impacts to surface flows of the Virgin River; threatened and endangered species; cultural resources; air quality; and socioeconomic effects of the project.

Public Involvement

The public will be invited to participate in the scoping process, review of the draft Environmental

Impact Statement, and a public meeting. The location and time of the scoping meeting to be scheduled during the month of Aug. 2001, will be announced in the local news media. Release of the draft EIS for public comment and the public meeting will also be announced in the local news media, as these dates are established.

Dated: June 20, 2001.

Gene A. Kolkman,
Field Manager.

[FR Doc. 01-18683 Filed 7-26-01; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-920-1310-01; WYW134944]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW134944 for lands in Natrona County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination. The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$5.00 per acre, or fraction thereof, per year and 16 $\frac{2}{3}$ percent, respectively.

The lessee has paid the required \$500 administrative fee and \$158 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW134944 effective February 1, 2001, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Theresa M. Stevens,
Acting Chief, Fluid Minerals Adjudication.
[FR Doc. 01-18684 Filed 7-26-01; 8:45 am]

BILLING CODE 4310-22-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-920-1310-01; WYW134943]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR

3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW134943 for lands in Natrona, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required \$500 administrative fee and \$158 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW134943 effective February 1, 2001, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Theresa M. Stevens,
Acting Chief, Fluid Minerals Adjudication.
[FR Doc. 01–18685 Filed 7–26–01; 8:45 am]
BILLING CODE 4310–22–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1310–01; WYW134730]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW134730 for lands in Natrona County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required \$500 administrative fee and \$158 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW134730 effective February 1, 2001, subject to the original terms and conditions of the lease and the

increased rental and royalty rates cited above.

Theresa M. Stevens,
Acting Chief, Fluid Minerals Adjudication.
[FR Doc. 01–18686 Filed 7–26–01; 8:45 am]
BILLING CODE 4310–22–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–059–1430–ES, MTM–87802]

Order Opening Lands in Montana to Disposal by Recreation and Public Purposes Act

AGENCY: Bureau of Land Management, DOI.

ACTION: Opening order.

SUMMARY: This notice opens lands to disposal by Recreation and Public Purposes Act.

EFFECTIVE DATE: Immediately upon publication.

FOR FURTHER INFORMATION CONTACT: Angela Perry, Dillon Field Office, BLM, 1005 Selway Drive, Dillon, MT 59725–9431, (406) 683–8045.

SUPPLEMENTARY INFORMATION: On February 10, 1998, the land described below was segregated from appropriation under the public land laws and mining laws as part of exchange proposal MTM–87802. This parcel was subsequently dropped from the exchange. The segregation affecting these lands is hereby terminated. The lands are opened only to disposal by Recreation and Public Purpose Act (Act of June 14, 1926, 43 U.S.C. 869):

Principal Meridian, Montana

T. 6 S., R. 3 W., sec. 21, lot 8; sec. 22, lot 14 Containing 5.04 acres

Scott Powers,
Dillon Field Manager.
[FR Doc. 01–18766 Filed 7–26–01; 8:45 am]
BILLING CODE 4510–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–6320–ET; HAG–01–0226; OR–53486]

Public Land Order No. 7413; Withdrawal of Public Lands for the Protection of Four Recreation Sites; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: This action corrects an error in the legal description in Public Land Order No. 7413, 64 FR 54637–54638, published October 7, 1999, as FR Doc. 99–26186. On page 54638, paragraph 1, “T. 32 N., R., 2 W.”, is hereby corrected to read, “T. 30 S., R., 2 W.”.

Dated: July 2, 2001.

Robert D. DeViney, Jr.,
Chief, Branch of Realty and Records Services.
[FR Doc. 01–18767 Filed 7–26–01; 8:45 am]
BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–056–1430–ES; N–66684]

Notice of Realty Action: Segregation Terminated, Lease/Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Segregation terminated, recreation and public purpose lease/conveyance.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada was segregated for exchange purposes on July 23, 1997 under serial numbers N–61855 and N–66364. The exchange segregations on the subject land will be terminated upon publication of this notice in the **Federal Register**. The land has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). Clark County proposes to use the land for a park.

Mount Diablo Meridian, Nevada

T. 22 S., R. 61 E., M.D.M.
Sec. 24, S½NE¼NW¼NW¼,
NW¼NW¼NW¼.

Approximately 15.0 acres, located at Pebble Road and Eastern Avenue. The land is not required for any federal purpose. The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patents, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).
2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and regulations and will be subject to:
 1. Easements in accordance with the Clark County Transportation Plan.

2. Those rights for power line purposes which have been granted to the Nevada Power Company by Permit No. N-10603 under the Act of October 21, 1976 (43 U.S.C. 1761).

3. Those rights for telephone line purposes which have been granted to Sprint Central by Permit No. N-12834 under the Act of March 4, 1911 (43 U.S.C. 961).

4. Those rights for roadway purposes which have been granted to Clark County by Permit No. N-55084 under the Act of October 21, 1976 (43 U.S.C. 1761).

5. Those rights for water pipe line purposes which have been granted to Las Vegas Valley Water District by Permit No. N-56876 under the Act of October 21, 1976 (43 U.S.C. 1761).

6. Those rights for power and telephone line purposes which have been granted to Nevada Power Company and Sprint Central by Permit No. N-57446 under the Act of October 21, 1976 (43 U.S.C. 1761).

7. Those rights for roadway purposes which have been granted to Clark County by Permit No. N-57458 under the Act of October 21, 1976 (43 U.S.C. 1761).

8. Those rights for power line purposes which have been granted to Nevada Power Company by Permit No. N-59896 under the Act of October 21, 1976 (43 U.S.C. 1761).

9. Those rights for flood control purposes which have been granted to Clark County by Permit No. N-61436 under the Act of October 21, 1976 (43 U.S.C. 1761).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada or by calling (702) 647-5088. Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws, and disposal under the mineral material disposal laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the Las Vegas Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Classification Comments

Interested parties may submit comments involving the suitability of the land for a park. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor directly related to the suitability of the land for a park. Any

adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**.

The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: June 22, 2001.

Rex Wells,

Assistant Field Manager, Division of Lands, Las Vegas, NV.

[FR Doc. 01-18765 Filed 7-26-01; 8:45 am]

BILLING CODE 4510-HC-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Preparation of an Environmental Assessment for Proposed Eastern Gulf of Mexico Lease Sale 181

AGENCY: Minerals Management Service, Interior.

ACTION: Preparation of an environmental assessment.

SUMMARY: The Minerals Management Service (MMS) is preparing an environmental assessment (EA) for a reduced area configuration of proposed Eastern Gulf of Mexico (GOM) Lease Sale 181. The MMS proposes to offer for lease 256 blocks offshore Alabama in the westernmost portion of the Eastern Planning Area of the GOM outer continental shelf (OCS). Three mitigation measures in the form of lease stipulations are included in the proposed action. This proposed sale is the only Eastern GOM sale scheduled during the current 5-Year Oil and Gas Leasing Program, and the first proposed sale in the Eastern GOM since 1988. We will publish an announcement in the **Federal Register** when the EA has been completed and is available to the public.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, Ms. Deborah Cranswick, telephone (504) 736-2744.

SUPPLEMENTARY INFORMATION: On January 25, 1999, the MMS published the Call for Information and Notice of Intent to Prepare an EIS for proposed Eastern Gulf of Mexico Lease Sale 181 in the **Federal Register** Scoping meetings in support of the development of the Draft EIS were held in Florida, Alabama, and Louisiana in July 1999. The Draft EIS was released in December 5, 2000, and public hearings on the

Draft EIS were held in Florida, Alabama, and Louisiana in January 2001. The Final EIS was released in July 2001. The Final EIS evaluated three sale-area configurations and a no action alternative, as well as eleven mitigation measures in the form of lease stipulations. The current reduced-area proposal was not one of the alternatives evaluated in the Final EIS because the reduced-area sale configuration was developed after publication of the Final EIS; only three of the proposed lease stipulations are applicable to the reduced sale area. The issues and resources addressed in the EIS will be addressed in the EA for the reduced sale area.

The reduced lease sale area represents about 25 percent of the original proposed Lease Sale area. The reduced Lease Sale 181 area encompasses 256 blocks, about 1.5 million acres, located 100 to 200 miles offshore Alabama in water depths ranging from 1,600 to 3,000 meters. The proposed Sale area contains 1.25 trillion cubic feet of natural gas and 185 million barrels of oil. It is estimated that leases issued as a result of this Sale could lead to the production of 0.015 to 0.115 billion barrels of oil and 0.225 to 0.750 trillion cubic feet of gas.

Public Comments

The MMS requests interested parties to submit comments specific to the environmental issues related to the reduced lease sale area. Comments should be sent to Minerals Management Service, Gulf of Mexico OCS Region, Office of Leasing and Environment, Attention: Regional Supervisor (MS 5400), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394. Your comments must be submitted on or before August 27, 2001.

Dated: July 23, 2001.

Carolita U. Kallaur,

Associate Director for Offshore Minerals Management.

[FR Doc. 01-18815 Filed 7-26-01; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

National Park Service

Cuyahoga Valley National Park, OH; Intent To Prepare Draft Environmental Impact Statement for Rural Landscape Management

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of intent to prepare a draft environmental impact statement

for rural landscape management in Cuyahoga Valley National Park, Ohio.

SUMMARY: The National Park Service (NPS) will prepare a draft environmental impact statement (EIS) to address the long-term management of the rural landscape in Cuyahoga Valley National Park. Park managers have understood the park's mandate to include the preservation of the rural landscape—the Valley's agricultural lands and associated structures. Various attempts to stem the decline of this landscape within the park's boundaries have not prevented farms from falling into disuse and disrepair. The park is proposing to implement a fresh approach to rural landscape management to better protect and revitalize this cultural resource.

SUPPLEMENTARY INFORMATION:

Background

A preliminary set of alternatives (including the park's preferred alternative) for protecting the rural landscape have been developed:

(1) No action. Manage the rural landscape through a combination of historical leasing, short-term special use permits, mowing, and utilization of structures for adaptive reuse. Continue current program activities without changing their emphasis.

(2) Contract farming. Manage the rural landscape by hiring employees or contractors to implement a network of working farms as modeled by the NPS.

(3) Historical farming. Manage the rural landscape through the establishment of demonstration farms that replicate farming practices of specific historical eras.

(4) Countryside Initiative (Preferred Alternative). Manage the rural landscape by developing sustainable farms through long-term leases with private individuals. More information on this alternative can be found online at: <http://www.nps.gov/cuva/technical/countryside/index.htm>.

(5) Vista protection. Manage the rural landscape primarily for scenic values by emphasizing the restoration of farm structures for residential, office, or other non-agricultural use and clear and mow fields absent any agricultural purpose.

The park proposed completing an Environmental Assessment (EA) in May 2001 to assess the issues and alternatives for the proposed action. Public scoping was initiated for the EA and included letters to numerous agencies and organizations and a press release to local media. Park managers now believe that an EIS is more appropriate given the scope and complexity of the proposed action. All

information generated during the EA scoping process will be retained for use in the EIS process. Anyone who contributed comments for the EA need not resend their comments.

Comments

To facilitate sound analysis of environmental impacts, the NPS is gathering information necessary for the preparation of the EIS. Suggestions on environmental issues to be analyzed and additional alternatives to consider are being sought from other agencies, tribes, organizations, and the public. Comments and participation in this scoping process are invited and encouraged. This notice is being furnished as required by National Environmental Policy Act regulations 40 CFR 1501.7.

Scoping comments will be accepted for a period of forty-five (45) days from the issuance of this notice. A public scoping open house session will be scheduled no sooner than fifteen (15) days from the issuance of this notice. This open house will provide an opportunity for governments, tribes, agencies, communities, and interested citizens to learn more about the proposed action and express the issues and concerns they believe the EIS should address. Notice of the date, time, and location of this public scoping session will be advertised in local media outlets prior to the event. Persons wishing to receive direct mail notification of the public scoping sessions should contact the park at the address or telephone number below. Interested agencies and organizations are also invited to arrange meetings to provide input directly to the park. Such meetings can be arranged by contacting the EIS Team Leader at the address and telephone below. The public meeting notice, draft documents, and general information regarding the EIS will be found on the park's web site at <http://www.nps.gov/cuva/ruraleis.htm>. Written comments may also be mailed or e-mailed to the park's Superintendent at the address below.

Decision Process

The environmental review of the EIS for rural landscape management at Cuyahoga Valley National Park will be conducted in accordance with requirements of the NEPA (42 U.S.C. 4371 et seq.), NEPA regulations (40 CFR parts 1500–1508), other appropriate Federal regulations, and NPS procedures and policies for compliance with those regulations.

Addresses

Written comments, general park information requests, or requests to be added to the project mailing list should be directed to: Superintendent, Cuyahoga Valley National Park, 15610 Vaughn Road, Brecksville, Ohio 44141. Telephone: 440-546-5903. E-mail: cuva_superintendent@nps.gov.

For Further Information Contact

For information concerning the scope of the EIS and to arrange Agency meetings should be directed to Kevin Skerl, EIS Team Leader, Cuyahoga Valley National Park at the address above. Telephone: 330-650-5071 extension 4. E-mail: kevin_skerl@nps.gov.

Dated: June 19, 2001.

William W. Schenk,

Regional Director, Midwest Region.

[FR Doc. 01-18761 Filed 7-26-01; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

Environmental Impact Statement for the Exit Glacier Area Plan, Kenai Fjords National Park, Alaska

AGENCY: National Park Service, Interior.

ACTION: Notice of intent to prepare an environmental impact statement for the Exit Glacier Area Plan, Kenai Fjords National Park, AK.

SUMMARY: The National Park Service (NPS) is preparing an environmental impact statement (EIS) for the Exit Glacier Area Plan at Kenai Fjords National Park, under the provisions of the 1969 National Environmental Policy Act. The Exit Glacier frontcountry area is the only area of the park accessible by road and is a popular Alaska tourist destination. Visitation has outpaced projected trends year-round, resulting in changes to the visitor experience and impacts on resources.

The Exit Glacier area is accessible via a nine-mile road from the Seward Highway, just outside the town of Seward, Alaska. The road enters the park in the last mile and terminates in a parking lot. Exit Glacier flows from the 300-square-mile Harding Icefield, and visitors can approach the towering glacier face on a one-half mile footpath.

The General Management Plan for Kenai Fjords National Park completed in 1984 established broad goals for management of the Exit Glacier area. Specific area developments were approved in the 1996 Frontcountry Development Concept Plan (DCP), and

most have been constructed (road improvements, parking lot expansion, campground upgrades, and new sanitary and power facilities).

The purpose of the Exit Glacier Area Plan and EIS is to provide comprehensive management direction over the next 15 to 20 years that allows for visitor use while protecting resources in the Exit Glacier area. The DCP called for further study before implementing a proposed alternative transportation system (shuttle bus) and visitor use limits. The NPS Visitor Experience and Resource Protection framework will be used to identify desired future conditions and to develop a reasonable range of alternatives. The EIS also will analyze the no-action and agency preferred alternatives. This planning process will result in an amendment to the 1984 General Management Plan for Kenai Fjords National Park to add management prescriptions for the Exit Glacier area and will replace the 1996 DCP.

A preliminary list of issues the alternatives need to consider include:

- How can important natural and cultural resources best be protected while providing for continued visitor use of the Exit Glacier area by present and future generations?
- What level and type of use—in all seasons—is appropriate and consistent with the purposes for which Kenai Fjords National Park was established?
- What specific management strategies, including facilities, alternative transportation systems, and new regulations, are necessary to meet the goals of the plan?

Except for the no-action alternative, these and other issues will be addressed by development of management zones and allocation of activities in those zones. The use of zones will allow NPS to provide a range of user experiences and resource conditions consistent with the park's mandate. The alternatives also will include future management actions to be taken when social and resource standards are exceeded, as determined by area monitoring.

The NPS requests input from federal and state agencies, local government, private organizations, recreational users, and the public. Further information on this planning process will be available through public open houses and meetings, the distribution of a newsletter, and development of a Web page. Specific dates, times, and locations of scoping meetings will be announced in area newspapers, via radio announcements, and on community bulletin boards. The park's Web page will contain updates on the

public involvement schedule: <http://www.nps.gov/kefj/>. Comments may be submitted via the Internet, using the email address kefj_eg_plan@nps.gov. Scoping meetings will be held in Anchorage and Seward, Alaska, in summer and fall of 2001.

Preliminary alternatives will be developed based on the issues identified and comments gathered. The public will be provided the opportunity to comment on the preliminary alternatives before they are incorporated in the draft EIS. The draft EIS is projected to be available for a 60-day public review in fall 2002. The anticipated release date of the final EIS is early in 2003.

Comments on the scope of this project should be received by March 31, 2002. Comments may be hand-delivered to Kenai Fjords National Park at 1212 4th Avenue, Seward, Alaska, e-mailed, or mailed to the Interdisciplinary Team Leader at the address provided below.

FOR FURTHER INFORMATION CONTACT: Jeff Tratman, Interdisciplinary Team Leader; Kenai Fjords National Park; P.O. Box 1727; Seward, AK 99664. E-mail kefj_eg_plan@nps.gov. Telephone (907) 224-3175, Fax (907) 224-2144.

SUPPLEMENTARY INFORMATION:

Comments, including names and home addresses of respondents, will be made available for public review during regular business hours. Individual respondents may request that we withhold their home address from the public record, which will be honored to the extent allowable by law. There also may be circumstances in which we would withhold from the public record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, anonymous comments will not be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Paul R. Anderson,

Acting Regional Director.

[FR Doc. 01-18698 Filed 7-26-01; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

Benefits-Sharing Environmental Assessment, National Park Service

AGENCY: U.S. Department of the Interior, National Park Service.

ACTION: Notice of extension of time for comments to be submitted on the scope of the Benefits-Sharing Environmental Assessment (EA).

SUMMARY: The National Park Service is extending the public review period to August 27, 2001, for comments on the scope of the Benefits-Sharing Environmental Assessment. The notice of intent for the Benefits-Sharing EA was published in the **Federal Register** on June 25, 2001 (notice document 01-15559, pages 33712-33713). Corrections to this notice were published in the **Federal Register** on July 11, 2001 (page 36368). The public review period was originally to end on August 9, 2001. Comments may be mailed to: National Park Service, Benefits-Sharing Environmental Assessment, P.O. Box 168, Yellowstone National Park, WY 82190, or emailed to BenefitsEA@nps.gov.

DATES: Comments on the potential scope of the assessment, alternatives to be considered, impacts to be addressed, and any other relevant related issues should be submitted on or before August 27, 2001.

Michael Soukup,

Associate Director, Natural Resource Stewardship and Science.

[FR Doc. 01-18802 Filed 7-26-01; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

Winter Use Plan, Supplemental Final Environmental Impact Statement, Yellowstone and Grand Teton National Parks, and the John D. Rockefeller, Jr., Memorial Parkway, Wyoming

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of intent to prepare a supplemental environmental impact statement (SEIS) for the winter use plan, Yellowstone and Grand Teton National Parks, and the John D. Rockefeller, Jr., Memorial Parkway.

Background

In May 1997, the Fund for Animals, *et al.*, filed suit against the National Park Service (NPS). The suit alleged that the

NPS had failed to conduct adequate analysis under the National Environmental Policy Act (NEPA) when developing its winter use plan for the areas, failed to consult with the US Fish and Wildlife Service on the effects of winter use on threatened and endangered species, and failed to evaluate the effects of trail grooming on wildlife and other park resources. In October 1997, the Department of the Interior (DOI) and the plaintiffs reached a settlement agreement. Under the agreement, the NPS agreed, in part, to prepare an environmental impact statement (EIS) for new winter use plans for the parks and the parkway. This settlement provision was satisfied with publication and distribution of the final EIS (FEIS) on October 10, 2000. A record of decision (ROD) was signed by Intermountain Regional Director Karen Wade on November 22, 2000. The decision selected Alternative G from the FEIS, which eliminates both snowmobile and snowplane use from the parks by the winter of 2003–2004, and provides access via an NPS-managed, mass-transit snowcoach system.

Following publication of a proposed rule and the subsequent public comment period, a final rule was published in the **Federal Register** on January 22, 2001. The rule became effective on April 22, 2001. Full implementation of the plan and the rule changes do not occur until the winter of 2003–2004.

On December 6, 2000 the Secretary of the Interior, *et al.*, were named as defendants in a lawsuit brought by the International Snowmobile Manufacturers Association, *et al.* The State of Wyoming intervened on behalf of the plaintiff. The lawsuit asks for the decision, as reflected in the ROD and final rule, to be set aside on the basis of alleged NEPA process infractions and other alleged process flaws. A settlement was achieved June 29, 2001 and, through its terms, NPS will act as lead agency to prepare a supplemental EIS. The State of Wyoming will act as a cooperating agency, and other federal, state and local government entities will be asked by NPS to enter the process in that status as well.

Summary

Under the provisions of the National Environmental Policy Act of 1969, the National Park Service is preparing a supplement to the environmental impact statement for the Winter Use Plan, Yellowstone and Grand Teton National Parks, and the John D. Rockefeller, Jr., Memorial Parkway (the Parkway). The preparation of a

supplemental EIS is deemed necessary to further the purposes of the National Environmental Policy Act. The purposes of NEPA would be furthered by soliciting more public comment on the earlier decision and alternatives to it which will maintain protection of park resources. Additional information from the International Snowmobile Manufacturers Association will be considered, as well as any other new or updated information not available at the time of the earlier decision.

The purpose in the supplemental analysis remains the same as in the FEIS. The underlying purpose is to meet five objectives: (1) Visitors have a range of appropriate winter recreation opportunities from primitive to developed. Winter recreation complements the unique characteristics of each landscape within the ecosystem; (2) Recreational experiences are offered in an appropriate setting; they do not take place where they will irreparably impact air quality, wildlife, cultural areas, the experiences of other park visitors, or other park values and resources; (3) High quality facilities are provided in parks to support the need for safety and enhanced visitor experiences; (4) Conflicts among user groups are minimal; (5) Visitors know how to participate safely in winter use activities without damaging resources; and (6) Oversnow vehicle sound and emission levels are reduced to protect employee and public health and safety, enhance visitor experience, and protect natural resources.

The general scope of analysis remains the same from the FEIS. Any new alternative formulations would be within the range of alternative actions presented in the FEIS. The baseline comparison alternative for the SEIS is “no-action”, Alternative G from the FEIS, which phases out snowmobiles from the three park units. Also to be evaluated is one alternative that recombines features or conditions from other alternatives in the FEIS as a means of permitting snowmobiles to remain in the parks.

There are a number of specific actions associated with the current decision (FEIS Alternative G). To summarize: in the three park units, the decision allows oversnow motorized access via NPS-managed snowcoach only, beginning in the winter of 2003–2004. In Grand Teton National Park, it removes motorized oversnow vehicle use from Jackson Lake and ends snowmobile use on the interior park road in the winter of 2002–2003. It eliminates winter plowing of the route between Colter Bay and Flag Ranch in the John D. Rockefeller, Jr., Memorial Parkway

within 10 years. It also implements restrictions or closures on backcountry nonmotorized use in sensitive wildlife habitats.

The completion of a supplemental EIS is to follow a schedule set out in the settlement agreement. A draft supplemental EIS is to be posted on the NPS website by January 21, 2002. A Notice of Availability for the draft SEIS is to be published by March 15, 2002. If a new rule is determined to be appropriate, a proposed rule will be published at the same time. The comment period for both a proposed rule, if appropriate, and the draft SEIS would close on May 5, 2002. A final SEIS and a Notice of Availability are to be published on October 15, 2002. The outcome of the final supplemental EIS will be either to affirm the decision and final rule currently in place, or to change the decision and affirm a new rule. A Record of Decision and final rule are to be issued by November 15, 2002. Should a new decision and final rule be the outcome, the final rule would be in effect on December 15, 2002.

Additional information may be obtained from either Sarah Creachbaum (307–739–3321) or Bob Rossman (307–739–3467) at Grand Teton National Park, or John Sacklin (307–344–2020) at Yellowstone National Park.

Comments

You may mail comments to Winter Use Plan, Superintendent's Office, Grand Teton National Park, PO Drawer 170, Moose, WY 83012. You may also comment via the Internet to Yellowstone National Park e-mail: yell_winter_use@nps.gov. Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include “Attn: Winter Use Plan” and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly through Jennifer Conrad, Yellowstone National Park, 307–344–2021. Finally, you may hand-deliver comments to Superintendent's Office, Grand Teton National Park, Moose, Wyoming (Attn: Winter Use Plan). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to

withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT:

Contact Superintendent, Grand Teton National Park, (307) 739-3410 or Superintendent, Yellowstone National Park (307) 344-2003.

Dated: July 12, 2001.

Karen P. Wade,

Director, Intermountain Region, National Park Service.

[FR Doc. 01-18697 Filed 7-26-01; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on July 16, 2001, a proposed consent decree in *United States v. Texaco California Inc. and Texaco Exploration and Production Inc.*, Civil Action No. CV-F-01-5923 REC DLB, was lodged with the United States District Court for the Eastern District of California.

This consent decree represents a settlement of claims brought against Texaco California Inc. ("TCI") and Texaco Exploration and Production Inc. ("TEPI") Under section 113(b) of the Clean Air Act ("the Act"), 42 U.S.C. 7413(b), in a civil complaint filed concurrently with the lodging of the consent decree. The complaint alleges that TEPI violated the Act and the California State Implementation Plan ("SIP") by removing vapor control equipment from 5,000 wells at the Kern River Oil Field in violation of permit requirements; TEPI also failed to comply with SIP's lowest achievable emission rate ("LAER") and offset requirements. In addition, the complaint alleges that TEPI violated permit requirements and failed to comply with LAER and offset requirements in operating an additional 700 wells at the Kern River Oil Field. Finally, the complaint alleges that TCI violated SIP Rule 463.2 by failing to install control equipment at certain storage tanks in the Midway-Sunset Oil Field, and by failing to maintain records required by the Rule.

Under the proposed settlement, TCI and TEPI will undertake significant

injunctive measures designed to limit the emissions of volatile organic compounds from front line surge tanks, oil storage tanks, and shipping tanks at their oil fields. In addition, TCI and TEPI will pay a civil penalty of \$568,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and shall refer to *United States v. Texaco California Inc. and Texaco Exploration and Production Inc.*, DOJ Ref. 90-5-2-1-07326. A copy of all comments should also be sent to Robert D. Mullaney, U.S. Department of Justice, Environment and Natural Resources Division, Environmental Enforcement Section, 301 Howard Street, Suite 870, San Francisco, CA 94105.

The Consent Decree may be examined at the Office of the United States Attorney, 1130 "O" Street, Room 3654, Fresno, California, and at U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In requesting a copy, please refer to *United States v. Texaco California Inc. and Texaco Exploration and Production Inc.*, Civ. No. CV-F-01-5923 REC DLB (E.D. Cal.) DOJ Ref. 90-5-2-1-07326, and enclose a check in the amount of \$8.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Ellen M. Mahan,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01-18791 Filed 7-26-01; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 239-2001]

Privacy Act of 1974; System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Immigration and Naturalization Service (INS), Department of Justice, proposes to modify the following system of records-previously published December 11, 1987 (52 FR 47258):

Orphan Petitioner Index and Files, JUSTICE/INS-007

INS proposes to: (1) Add another system location; (2) modify the "Authority for Maintenance of Records" section to reflect changes as required by the Intercountry Adoption Act of 2000; and (3) add new routine use disclosures (i.e., C, G, H and I). Other minor corrections and edits have also been made to reflect the current description of this system of records.

In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment on the modified system and the routine use disclosures. The Office of Management and Budget (OMB), which has oversight responsibilities under the Act, requires a 40-day period in which to conclude its review of the system.

Therefore, please submit any comments by August 27, 2001. The public, OMB, and the Congress are invited to send written comments to Mary Cahill, Management Analyst, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 1400, National Place Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress on the proposed modification.

Dated: July 16, 2001.

Janis A. Spasato,

Acting Assistant Attorney General for Administration.

JUSTICE/INS-007

SYSTEM NAME:

Orphan Petitioner Index and Files.

SYSTEM LOCATION:

Headquarters, District offices and suboffices of the Immigration and Naturalization Service (Service) in the United States and foreign countries, as detailed in JUSTICE/INS-999, last published in the **Federal Register** on April 13, 1999 (64 FR 18052).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are prospective petitioners or who have filed an application for Advance Processing of Orphan Petition under the Immigration and Nationality Act, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains form I-600A, Application for Advance Processing of Orphan Petition, filed for advance processing of orphan petitions by prospective adoptive parent(s); documentation of prospective adoptive parent(s)' United States citizenship and marital status, agency responses indicating whether prospective adoptive parent(s) have any arrest records; and

home studies which include statements of financial ability and other elements that relate to the ability of the prospective adoptive parents to provide proper care to beneficiary orphans.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

8 U.S.C. 1103 and 1154; and 42 U.S.C. 14901.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USE:

Information in the system will be used by employees of the Immigration and Naturalization Service to determine the status of pending requests or petitions, to locate related files and other records promptly, and to determine the suitability of prospective petitioners as adoptive parents. Information regarding the status and progress of cases and the suitability of prospective petitioners as adoptive parents may be disseminated to other components of the Department of Justice, Members of Congress, and the President. In addition:

A. Relevant information from this system may be referred to the Department of State in the processing of petitions or issuance of visas for benefits under the Immigration and Nationality Act, as amended.

B. Information from this system may be referred to officials of other federal, state and local government agencies and adoption agencies and social workers to elicit information required for making a final determination of the petitioner's ability to care for a beneficiary orphan.

C. To an attorney or representative who is acting on behalf of an individual covered by this system of records as defined in 8 CFR 1.1(j) in conjunction with any proceeding before the Immigration and Naturalization Service or the Executive Office for Immigration Review.

D. To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

E. To a Member of Congress, or staff acting upon the Member's behalf, when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

F. To the General Service Administration (GSA) and the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

G. To contractors, grantees, experts, consultants, students and others

performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records.

H. To a court of adjudicative body before which the appropriate DOJ component is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the appropriate DOJ component to be arguably relevant to the litigation:

(1) The DOJ component, or any subdivision thereof, or

(2) Any employee of the DOJ in his or her official capacity, or

(3) Any employee of the DOJ in his or her individual capacity where the DOJ has agreed to represent the employee or has authorized a private attorney to represent him or her, and

(4) The United States, where the DOJ determines that the litigation is likely to affect it or any of its subdivisions.

I. Pursuant to subsection (b)(3) of the Privacy Act, the Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained as paper records in file folders.

RETRIEVABILITY:

Records are retrieved by the name of the petitioner.

SAFEGUARDS:

Most INS offices are located in buildings under security guard, with access limited to INS and other Federal Government employees and authorized visitors. All records are stored in spaces which are locked outside of normal office hours.

RETENTION AND DISPOSAL:

Records from the advance processing file folders are retained for one year after the completion of all advance

processing. After one year the records are returned to the petitioner or the responsible state or licensed agency. Materials which cannot be returned to the petitioner or responsible state or licensed agency will be destroyed.

SYSTEM MANAGER AND ADDRESS:

Associate Commissioner, Examinations, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536.

NOTIFICATION PROCEDURES:

Inquiries should be addressed to the District Director or Officer in Charge of the Service office where the file is located. If the file location is not known, inquiries may be addressed to the System Manager, as noted above. To enable the Service to identify whether the system contains a record relating to an individual, the requester must provide the individual's full name, date of birth, place of birth, and a description of the subject matter.

RECORD ACCESS PROCEDURE:

A person desiring access to a record shall submit a request in writing to the agency official designated under "Notification Procedure" above. The requester must also identify the record by furnishing the information listed under that caption. If a request to access a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request," and a return address must be provided for transmitting any information.

CONTESTING RECORD PROCEDURE:

An individual desiring to request amendment of records maintained in this system of records should direct his or her request to the System Manager or to the appropriate FOIA/PA Officer noted in System Locations. The request should state the information being contested, the reason(s) for contesting it, and the proposed amendment thereof. Persons filing such requests should mark the envelope with the following legend "Privacy Act Amendment Request."

RECORD SOURCE CATEGORIES:

Information in the system is obtained from requests and petitions filed by the petitioners, public and private adoption agencies and social workers; and federal, state, local and foreign government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsection (d) of the Privacy Act. This exemption applies to the extent that information in this system is subject to

exemption pursuant to 5 U.S.C. 552a(k)(1). INS has published implementing regulations in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and these have been published in the **Federal Register**. See 28 CFR 16.99(e).

[FR Doc. 01-18792 Filed 7-26-01; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 240-2001]

Privacy Act of 1974; System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), notice is given that the United States National Central Bureau of INTERPOL (USNCB) proposes to modify a system of records. Specifically, the "INTERPOL-United States National Central Bureau (INTERPOL-USNCB) (Department of Justice) INTERPOL-USNCB Records System, Justice/INTERPOL-001" (last published March 10, 1992) (57 FR 8486)) has been re-titled, the "INTERPOL-United States National Central Bureau (USNCB) Records System, Justice/INTERPOL-001."

This system has been revised to include an expanded group of individuals covered by the system, add new categories of records and add new record sources to the system. Additionally, the INTERPOL-USNCB is updating and regrouping its routine uses to reflect technology advances in law enforcement and agency practices and updating authority for disclosure, storage, retrieval, access, retention and disposal of records in the system. New system managers have been added to reflect internal INTERPOL-USNCB functions and appropriate sections have been re-worded for easier reading and better understanding of the system. For clarity, the entire system is reproduced in this publication.

Title 5 U.S.C. 552a (e) (4) and (11) provide that the public be given a 30-day period in which to comment on the modified system. The Office of Management and Budget (OMB), which has oversight responsibilities under the Privacy Act, requires that it be given a 40-day period in which to review the system. The public, OMB, and the Congress are invited to send written comments to Mary Cahill, Management and Planning Staff, Justice Management Division, Department of Justice, 1400 National Place Building, Washington, DC 20530.

A description of the modified system of records is provided below. In

addition, in accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress on the proposed modification.

Dated: July 16, 2001.

Janis A. Sposato,
Acting Assistant Attorney General for Administration.

Justice/Interpol-001

SYSTEM NAME:

The INTERPOL-United States National Central Bureau (USNCB) Records System.

SYSTEM LOCATION:

INTERPOL-U.S. National Central Bureau, Department of Justice, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Criminal and non-criminal individuals who have been convicted or are subjects of a criminal investigation with international aspects; individuals who may be associated with stolen weapons, motor vehicles, artifacts, or similar items involved in a crime; victims of humanitarian or criminal investigations; witnesses or confidential sources in a criminal investigation with international aspects persons, and person who are unable to identify themselves; and judicial or law enforcement personnel engaged in the performance of official duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

The program records of the INTERPOL-USNCB consist of criminal and non-criminal case files. The files contain electronic data and hard copy records of facsimiles, fingerprints, photographs, criminal investigative reports, applicant checks, licenses and related data, radio messages (international), log sheets, notices, bulletins or posters, investigative notes, computer printouts, letters, memoranda, and witness statements. These records relate to fugitives, victims, witnesses, wanted persons, lookouts (temporary and permanent), missing or abducted persons, persons who are unable to identify themselves, and deceased persons. Information about individuals includes names aliases, places and dates of birth, addresses, physical descriptions, various identification numbers, reason for the records or lookouts, and details and circumstances surrounding the actual or suspected violations, humanitarian request or administrative/operational matter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 263a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The following access and disclosure for INTERPOL-USNCB records are designated as routine except when such designation is a violation or potential violation of law, rule or order issued pursuant thereto: In the event a record(s) in this system of records constitutes a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use to the appropriate law enforcement and criminal justice agencies whether foreign, federal, state, local or tribal, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statutes, or rules, regulations or orders issued pursuant thereto. A record may be disclosed to foreign, federal, state, local or tribal agencies or their bureaus or representatives maintaining civil, criminal or other information when necessary to a decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license grant or other benefit. A record may be disclosed to any of the above agencies in response to their request in connection with the hiring or retention of an employee to the extent that the information is deemed relevant and necessary by the INTERPOL-USNCB. A record may be disclosed to appropriate parties engaged in litigation or in preparation of possible litigation, as well as to potential witnesses for the purpose of securing their testimony when necessary before courts, magistrates or administrative tribunals. A record may be disclosed to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings. A record may be disclosed to foreign governments in accordance with formal or informal international agreements. Records may be disclosed to the Treasury Enforcement Communications System (TECS) (Treasury/CS 00.244) and to the Federal Bureau of Investigation, National Criminal Information Center (NCIC); to the International Criminal Police Organization (INTERPOL) General Secretariat and National Central Bureaus in member countries; to the INTERPOL Supervisory Board, an international board comprised of three judges having oversight responsibilities

regarding the purpose and scope of personal information maintained in the international archives of INTERPOL. In addition, records may be disclosed to other third parties during the course of a criminal or humanitarian investigation to the extent deemed necessary by the INTERPOL-USNCB to facilitate an investigation and to translators of foreign languages as necessary.

Records may be referred to any of the aforementioned individuals, agencies, governments or organizations through various mediums or means of communication, including but not limited to the Internet and other law enforcement communication systems.

INTERPOL-USNCB records are accessed by contractors, grantees, experts, consultants, interns, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records. TECS, NCIC, and similar outside law enforcement records are accessed only by the INTERPOL-USNCB staff members granted access by the appropriate law enforcement agency.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available by INTERPOL-USNCB when it is determined that release of the specific information in the context of a particular case would not constitute an unwarranted invasion of personal privacy or violate INTERPOL-USNCB or law enforcement regulations.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by INTERPOL-USNCB, not otherwise prohibited from release pursuant to 5 U.S.C. 552, may be made available by the Chief or Deputy Chief, INTERPOL-USNCB, to a Member of Congress or the Member's staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the written request of the individual who is the subject of the record, and when the release of the information is authorized under INTERPOL-USNCB or law enforcement regulations.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) AND TO THE GENERAL SERVICES ADMINISTRATION (GSA):

A record from a system of records may be disclosed as a routine use to NARA and GSA in records management

inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

RELEASE OF INFORMATION TO FORMER EMPLOYEES:

Pursuant to subsection (b)(3) of the Privacy Act, the Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personal-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored in file folders and in electronic word files at the INTERPOL-USNCB and at the Washington Federal Records Center. Certain limited data, e.g., that which concerns fugitives and wanted, missing or abducted persons is stored in the Treasury Enforcement Communications System (TECS) TREASURY/CS 00.244, a system published by the U.S. Department of Treasury, and in the National Criminal Information Center (NCIC) for a limited time period, or until the person(s) is apprehended or located.

RETRIEVABILITY:

Information is retrieved primarily by name, system identification number, personal identification number, and by weapon serial number or motor vehicle identification number.

SAFEGUARDS:

Information is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Only those individuals specifically authorized have access to the INTERPOL-USNCB records. Access to INTERPOL-USNCB records is given only to those individuals who require access to perform official duties. In addition, USNCB information resides in the secured INTERPOL-USNCB offices which are staffed twenty-four hours a day, seven days a week. Automated data is password secured.

RETENTION AND DISPOSAL:

The hard copy (paper record) will be retained on site at the INTERPOL-

USNCB for two years after closing. At the end of the two years post closing, the hard copy will be transferred to the Washington National Records Center for storage. The hard copy (paper record) of the case file may be destroyed five years after transfer to the Washington National Records Center, for a total of seven years post closing, if there has been no case activity. These activities are in accordance with the records retention schedule approved by the Archivist of the United States. Information contained in electronic case files will be stored on a compact disc for a period of seven years post closure. The compact discs will be destroyed seven years post closure if there has been no case activity. Automated information will be flagged as an archived case and maintained on the LAN server.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, INTERPOL-United States National Central Bureau, Department of Justice, Washington, DC 20530. Records Management Officer, INTERPOL-United States National Central Bureau, Department of Justice, Washington, DC 20530. Information Resources Manager, INTERPOL-United States National Central Bureau, Department of Justice, Washington, DC 20530.

NOTIFICATION PROCEDURE:

Inquiries regarding whether the system contains a record pertaining to an individual may be addressed to the Chief, INTERPOL-United States National Central Bureau, Department of Justice, Washington, D.C. 20530, or to the Freedom of Information Act (FOIA) Specialist at the same location. To enable INTERPOL-USNCB personnel to determine whether the system contains a record relating to him or her, the requester must submit a written request identifying the record system, identifying the category and type of records sought, and providing the individual's full name and at least two items of secondary information (date of birth, social security number, employee identification number, or similar identifying information).

RECORD ACCESS PROCEDURES:

The Attorney General has exempted the INTERPOL-USNCB system from the access, contest, and amendment provisions of the Privacy Act. Some records may be available under the Freedom of Information Act. Inquiries should be addressed to the FOIA/PA Officer, INTERPOL-United States National Central Bureau, Department of Justice, Washington, DC 20530. The letter should be clearly marked "Freedom of Information Request" and

a return address provided for transmitting any information to the requester.

CONTEST RECORD PROCEDURES:

See "Access procedures" above.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include investigating reports of federal, state, local, and foreign law enforcement agencies (including investigating reports from a system of records published by Department of Treasury Enforcement Communications System (TECS) TREASURY/CS 00.244 or the National Crime Information Center (NCIC); other non-Department of Justice investigative agencies; client agencies of the Department of Justice; statements of witnesses and parties; and the work product of the staff of the INTERPOL-USNCB working on particular cases. Although the organization uses the name INTERPOL-USNCB for purposes of public recognition, the INTERPOL-USNCB is not synonymous with the International Criminal Police Organization (ICPO-INTERPOL), which is a private, intergovernmental organization headquartered in Lyon, France. The Department of Justice USNCB serves as the United States liaison with the INTERPOL General Secretariat and works in cooperation with the National Central Bureaus of other member countries, but is not an agent, legal representative, nor organization subunit of the International Criminal Police Organization. The records maintained by the INTERPOL-USNCB are separate and distinct from records maintained by INTERPOL and INTERPOL-USNCB does not have custody of, access to, nor control over the records of the International Criminal Police Organization.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e), (1), (2), and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2), and (k)(2) and (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and were published in the **Federal Register** on October 7, 1982 (47 FR 44255). See 28 CFR 16.103. [FR Doc. 01-18793 Filed 7-26-01; 8:45 am]

BILLING CODE 4410-BC-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Commercenet Consortium

Notice is hereby given that, on May 2, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), CommerceNet Consortium (the "Consortium") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Velocient Technologies, Plainsboro, NJ has joined the Consortium as a sponsor member. Electron Economy, Cupertino, CA; and RAM Consulting Services, Poolesville, MD have joined the Consortium as portfolio members.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CommerceNet Consortium intends to file additional written notification disclosing all changes in membership.

On June 13, 1994, CommerceNet Consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 31, 1994 (59 FR 45012).

The last notification was filed with the Department on June 1, 2000. A notice was published in the **Federal Register** pursuant to section 6(a) of the Act on August 9, 2000 (65 FR 48736).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01-18794 Filed 7-26-01; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—HDP User Group International, Inc.

Notice is hereby given that, on May 24, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301

et seq. ("the Act"), HDP User Group International, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Flip Chip Technologies, Phoenix, AZ; Fujitsu Microelectronics, Inc., San Jose, CA and Silicon Bandwidth, Inc., Fremont, CA have been added as parties to this venture. Also, CS2, Zaventem, Belgium and Motorola, Schaumburg, IL have been dropped as parties to the venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HDP User Group International, Inc. intends to file additional written notification disclosing all changes in membership.

On September 14, 1994, HDP User Group International, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 23, 1995 (60 FR 15306).

The last notification was filed with the Department on February 20, 2001. A notice was published in the **Federal Register** on March 23, 2001 (66 FR 16294).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01-18796 Filed 7-26-01; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; IAP Research, Inc.; Electromagnetic Dynamic Compaction

Notice is hereby given that, on June 19, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), IAP Research, Inc.: Electromagnetic Dynamic Compaction has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, A.O. Smith Corporation,

Milwaukee, WI has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IAP Research, Inc.: Electromagnetic Dynamic Compaction intends to file additional written notification disclosing all changes in membership.

On July 21, 1999, IAP Research, Inc.: Electromagnetic Dynamic Compaction filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 14, 1999 (64 FR 69799).

The last notification was filed with the Department on November 15, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 2, 2001 (66 FR 13082).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01-18798 Filed 7-26-01; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Mobile Wireless Internet Forum

Notice is hereby given that, on June 13, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Mobile Wireless Internet Forum has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Contela, Kyunggi-do, Republic of Korea; Genista, Tokyo, Japan; Gtran, Westlake Village, CA; Intel, Buffao, NY; mDiversity, San Jose, CA; and Tahoe Networks, Los Altos, CA have been added as parties to this venture. Also, Adaptive Telecom, Campbell, CA; ALLTEL Communications, Little Rock, AK; Alteon WebSystems, San Jose, CA; BT Wireless, Slough, United Kingdom; Cella, Ypnqne'am, Israel; Center for Information and Communication Research, Stockholm, Sweden; CoSine Communications, Redwood City, CA; Ericsson, San Diego, CA; Flash

Networks, Holmdel, NJ; Hyundai Electronics, Kyoungki-do, Republic of Korea; Livemind, San Francisco, CA; @Mobile, Belevue, WA; Morphics, Campbell, CA; Nortel Networks, Richardson, TX; NTT DoCoMo, Kangawa, Japan; Open Port, Chicago, IL; Porta Software, Cupertino, CA; Redback Networks, Sunnyvale, CA; Sanyo Electric Company, Gifu, Japan; Starent Networks Corporation, Wilmington, MA; Synacom Technology, San Jose, CA; Tantivy Communications, Melbourne, FL; Telecom New Zealand, Wellington, New Zealand; Teledesic, Bellevue, WA; TELOS Technology, Richmond, British Columbia, Canada; Tertio, London, United Kingdom; UUNET a Worldcom Company, Ashburn, VA; Vertex Networks, Hsin-chu, Taiwan; Wind, Rome, Italy; and Wysdom, Richmond Hill, Ontario, Canada have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Mobile Wireless Internet Forum intends to file additional written notification disclosing all changes in membership.

On May 25, 2000, Mobile Wireless Internet Forum filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on August 11, 2000 (65 FR 49264).

The last notification was filed with the Department on February 13, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 29, 2001 (66 FR 17202).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01-18797 Filed 7-26-01; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, Inc.

Notice is hereby given that, on May 17, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), PXI Systems Alliance, Inc., has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications

were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, General Standards Corporation, Huntsville, AL; and Team Marketing, Mission Viejo, CA have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PXI Systems Alliance, Inc., intends to file additional written notification disclosing all changes in membership.

On November 22, 2000, PXI Systems Alliance, Inc., filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 8, 2001 (66 FR 13971).

The last notification was filed with the Department on February 26, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 29, 2001 (66 FR 17203).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01-18795 Filed 7-26-01; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; certificate of eligibility for nonimmigrant student (F-1) status—for academic and language students.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until September 25, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Certificate of Eligibility for Nonimmigrant Student (F-1) Status—For Academic and Language Students.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I-20AB/ID. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. This form will be used to collect information from nonimmigrant students attending schools in the United States in order that INS can monitor the students' immigration status and ensure that the students do not violate the condition imposed by their nonimmigrant status while attending school.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 260,000 responses at 30 minutes (.5) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 130,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan, 202-514-3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response

time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: July 24, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01-18838 Filed 7-26-01; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Extension of Existing Collection; Comment Request

ACTION: Notice of information collection under review; certification by designated school official.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until September 25, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Certification by Designated School Official.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I-538. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked to respond, as well as a brief abstract:* Primary: Individuals or Households. This form is used to collect information from non-immigrant students applying for an extension for the length of time of their legal status in the United States as a non-immigrant student while transferring from one school to another and permission to accept or continue employment.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 165,000 responses at 4 Minutes (.066) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 10,890 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202-514-3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: July 24, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01-18839 Filed 7-26-01; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF JUSTICE**Immigration and Naturalization Service****Agency Information Collection
Activities: Proposed Collection;
Comment Request**

ACTION: Notice of information collection under review; request for cancellation of public charge bond.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until September 25, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Request for Cancellation of Public Charge Bond.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I-356. Inspections Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well a brief abstract:* Primary: Individuals or Households. The form is used by the

Immigration and Naturalization Service to determine if the bond posted on behalf of an alien in the United States should be canceled.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 2,000 responses at 15 minutes (.25) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 500 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202-514-3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: July 24, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01-18840 Filed 7-26-01; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF JUSTICE**Immigration and Naturalization Service****Agency Information Collection
Activities: Extension of Existing
Collection; Comment Request**

ACTION: Notice of information collection under review; immigrant petition by alien entrepreneur.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until September 25, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Immigrant Petition by Alien Entrepreneur.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I-526. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This form issued to petition for classification as an alien entrepreneur as provided by sections 121(b)(5) and 162(b) of the Immigration Act of 1990 and section 203(b)(5) of the Immigration and Nationality Act. The information collected on this form will be used by the Service to determine eligibility for the requested immigration benefit.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 1,368 responses at 1.25 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,710 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202-514-3291,

Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, N.W., Suite 1220, Washington, DC 20530.

Dated: July 24, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01-18841 Filed 7-26-01; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; application for removal.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until September 25, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Application for Removal.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I-243. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. The information provided on this form allows the Immigration and Naturalization Service to determine eligibility for an applicant's request for removal from the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 41 responses at 10 minutes (.166) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 7 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202-514-3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: July 24, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration Service.

[FR Doc. 01-18842 Filed 7-26-01; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of the Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

Withdrawn General Wage Determination Decisions

This is to advise all interested parties that the Department of Labor is withdrawing, from the date of this notice, General Wage Determination Nos. MN010013 and MN010014, dated Mar 2, 2001. Please see MN010010.

Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is less than ten (10) days from the date of this notice, this action shall be effective unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.

Modification to General Wage Determination Decisions

The number of decisions listed to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and related Acts" being modified are listed by Volume and State. Dates of

publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

New Hampshire:

NH010004 (Mar. 02, 2001)

New Jersey:

NJ010001 (Mar. 02, 2001)

NJ010002 (Mar. 02, 2001)

NJ010003 (Mar. 02, 2001)

NJ010005 (Mar. 02, 2001)

NJ010007 (Mar. 02, 2001)

NJ010009 (Mar. 02, 2001)

Volume II

District of Columbia:

DC010001 (Mar. 02, 2001)

DC010003 (Mar. 02, 2001)

Maryland:

MD010002 (Mar. 02, 2001)

MD010035 (Mar. 02, 2001)

MD010036 (Mar. 02, 2001)

MD010048 (Mar. 02, 2001)

MD010056 (Mar. 02, 2001)

MD010057 (Mar. 02, 2001)

Virginia:

VA010035 (Mar. 02, 2001)

VA010079 (Mar. 02, 2001)

VA010092 (Mar. 02, 2001)

VA010099 (Mar. 02, 2001)

Volume III

Alabama:

AL010017 (Mar. 02, 2001)

AL010042 (Mar. 02, 2001)

Volume IV

Illinois:

MD010001 (Mar. 02, 2001)

MD010006 (Mar. 02, 2001)

MD010013 (Mar. 02, 2001)

MD010014 (Mar. 02, 2001)

MD010015 (Mar. 02, 2001)

MD010016 (Mar. 02, 2001)

MD010017 (Mar. 02, 2001)

MD010020 (Mar. 02, 2001)

MD010023 (Mar. 02, 2001)

Michigan:

MI010026 (Mar. 02, 2001)

MI010030 (Mar. 02, 2001)

MI010031 (Mar. 02, 2001)

MI010034 (Mar. 02, 2001)

MI010036 (Mar. 02, 2001)

MI010039 (Mar. 02, 2001)

MI010040 (Mar. 02, 2001)

MI010042 (Mar. 02, 2001)

MI010046 (Mar. 02, 2001)

MI010047 (Mar. 02, 2001)

Minnesota:

MN010007 (Mar. 02, 2001)

MN010008 (Mar. 02, 2001)

MN010009 (Mar. 02, 2001)

MN010010 (Mar. 02, 2001)

Wisconsin:

WI010001 (Mar. 02, 2001)

WI010002 (Mar. 02, 2001)

WI010003 (Mar. 02, 2001)

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 WI010036 (Mar. 02, 2001)
 WI010037 (Mar. 02, 2001)
 WI010039 (Mar. 02, 2001)
 WI010041 (Mar. 02, 2001)
 WI010049 (Mar. 02, 2001)
 WI010066 (Mar. 02, 2001)
 WI010067 (Mar. 02, 2001)
 WI010068 (Mar. 02, 2001)

Volume V

Iowa:

IA010002 (Mar. 02, 2001)

IA010003 (Mar. 02, 2001)

IA010004 (Mar. 02, 2001)

IA010006 (Mar. 02, 2001)

IA010060 (Mar. 02, 2001)

Missouri:

MO010001 (Mar. 02, 2001)

MO010004 (Mar. 02, 2001)

MO010006 (Mar. 02, 2001)

MO010012 (Mar. 02, 2001)

MO010015 (Mar. 02, 2001)

MO010019 (Mar. 02, 2001)

MO010043 (Mar. 02, 2001)

MO010048 (Mar. 02, 2001)

MO010062 (Mar. 02, 2001)

Volume VI

None

Volume VII

California:

CA010001 (Mar. 02, 2001)

CA010002 (Mar. 02, 2001)

CA010004 (Mar. 02, 2001)

CA010009 (Mar. 02, 2001)

CA010028 (Mar. 02, 2001)

CA010029 (Mar. 02, 2001)

CA010030 (Mar. 02, 2001)

CA010031 (Mar. 02, 2001)

CA010032 (Mar. 02, 2001)
 CA010033 (Mar. 02, 2001)
 CA010034 (Mar. 02, 2001)
 CA010035 (Mar. 02, 2001)
 CA10036 (Mar. 02, 2001)
 CA10037 (Mar. 02, 2001)
 CA10038 (Mar. 02, 2001)
 CA10039 (Mar. 02, 2001)
 CA10040 (Mar. 02, 2001)
 CA10041 (Mar. 02, 2001)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at www.access.gpo.gov/davisbacon. They are also available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1-800-363-2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512-1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, D.C. this 19th day of July 2001.

Carl J. Poleskey,
Chief, Branch of Construction Wage Determinations.

[FR Doc. 01-18460 Filed 7-26-01; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01-091]

Aerospace Safety Advisory Panel (ASAP); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Closed meeting notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Friday, August 3, 2001, 10 a.m. to 12 Noon.

ADDRESSES: National Aeronautics and Space Administration, 300 E Street, SW., Room 5W40, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Lengyel, Executive Director ASAP, Code Q-1, National Aeronautics and Space Administration, Washington, DC 20546, Tel: (202) 358-0391 or E-mail: dlengyel@hq.nasa.gov.

Background Information

The Aerospace Safety Advisory Panel (ASAP) will meet to review the adequacy of NASA plans for Orbiter structural inspections. This is pursuant to carrying out ASAP's statutory duties where the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. In making recommendations on this issue, the Agency requires full and frank advice on NASA contractor's workforce issues, inspector skill base, and work paper quality. Premature disclosure of such information would be likely to significantly frustrate the Agency's planning and conduct of Orbiter structural inspections. For these reasons, this meeting will be closed to the public in accordance with 5 U.S.C. Section 552b(c)(9)(B).

Dated: July 23, 2001.

Beth M. McCormick,
*Advisory Committee Management Officer,
 National Aeronautics and Space Administration.*

[FR Doc. 01-18735 Filed 7-26-01; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collections described in this notice. The public is invited to comment on the proposed information collections pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before August 27, 2001 to be assured of consideration.

ADDRESSES: Comments should be sent to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Ms. Brooke Dickson, Desk Officer for NARA, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collections and supporting statements should be directed to Tamee Fechhelm at telephone number 301-713-6730 or fax number 301-713-6913.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for these information collections on May 1, 2001 (66 FR 21785 and 21786). No comments were received. NARA has submitted the described information collections to OMB for approval. In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collections are necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collections; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology. In this notice, NARA is soliciting comments concerning the following information collections:

1. *Title:* Application and Permit for Use of Space in Presidential Libraries and Grounds.

OMB number: 3095-0024.

Agency form number: NA Form

16011.

Type of review: Regular.

Affected public: Private organizations.

Estimated number of respondents:

1,000.

Estimated time per response: 20 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 333 hours.

Abstract: The information collection is prescribed by 36 CFR 1280.94. The application is submitted to a Presidential library to request the use of space in the library for a privately sponsored activity. NARA uses the information to determine whether use will meet the criteria in 36 CFR 1280.94 and to schedule the date.

2. **Title:** Request for and Record of Pass.

OMB number: 3095-0026.

Agency form number: NA Form 6006.

Type of review: Regular.

Affected public: Individuals or households, business or other for-profit organizations and institutions, and Federal government.

Estimated number of respondents:

1,266.

Estimated time per response: 3 minutes.

Frequency of response: On occasion (when respondent wishes to enter NARA facilities). Respondents who are contractors are given a building pass which expires at the end of each fiscal year; those who are volunteers are given a pass valid for 5 years.

Estimated total annual burden hours: 63 hours.

Abstract: The collection of information is necessary as a security measure to protect employees, information, and property in National Archives and Records Administration (NARA) facilities and to facilitate the issuance of passes. Use of the form is authorized by 44 U.S.C. 2104. At the NARA College Park facility, individuals receive an access card with the pass that is electronically coded to permit access to secure zones ranging from a general nominal level to stricter access levels for classified records zones. The access card system is part of the security management system which meets the accreditation standards of the Government intelligence agencies for storage of classified information, and serves to comply with E.O. 12958.

Dated: July 23, 2001.

L. Reynolds Cahoon,

Assistant Archivist for Human Resources and Information Services.

[FR Doc. 01-18843 Filed 7-26-01; 8:45 am]

BILLING CODE 7515-01-P

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT:

Laura S. Nelson, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606-8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606-8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4) and (6) of section 552b of Title 5, United States Code.

1. Date: August 1, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Room: 315.

Program: The meeting will review applications for American and Latin American Literature and Linguistics, submitted to the Division of Research Programs at the May 1, 2001 deadline.

2. Date: August 2, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Room: 315.

Program: This meeting will review applications for Romance Languages and Literatures, submitted to the Division of Research Programs at the May 1, 2001 deadline.

3. Date: August 3, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Room: 315.

Program: This meeting will review applications for Film and Theater, submitted to the Division of Research Programs at the May 1, 2001 deadline.

4. Date: August 6, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Room: 315.

Program: This meeting will review applications for Anthropology and Folklore, submitted to the Division of Research Programs at the May 1, 2001 deadline.

5. Date: August 7, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Room: 315.

Program: This meeting will review applications for History of Art and Architecture I, submitted to the Division of Research Programs at the May 1, 2001 deadline.

6. Date: August 8, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Room: 315.

Program: This meeting will review applications for Medieval Studies, submitted to the Division of Research Programs at the May 1, 2001 deadline.

7. Date: August 9, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Room: 315.

Program: This meeting will review applications for African, Near Eastern, and Asian Studies, submitted to the Division of Research Programs at the May 1, 2001 deadline.

8. Date: August 9, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Room: 415.

Program: This meeting will review applications for Classical Studies, submitted to the Division of Research Programs at the May 1, 2001 deadline.

9. Date: August 10, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Room: 415.

Program: This meeting will review applications for Sociology, Psychology, and Education, submitted to the Division of Research Programs at the May 1, 2001 deadline.

10. Date: August 10, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Room: 315.

Program: This meeting will review applications for American Studies, submitted to the Division of Research Programs at the May 1, 2001 deadline.

11. Date: August 13, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Room: 315.

Program: This meeting will review applications for Germanic and Slavic Languages and Literatures, Comparative Literature, Literary Criticism and Linguistics, submitted to the Division of Research Programs at the May 1, 2001 deadline.

12. Date: August 14, 2001.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.

Program: This meeting will review applications for American Studies, Rhetoric, Communication and Media, submitted to the Division of Research Programs at the May 1, 2001 deadline.

13. Date: August 16, 2001.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.

Program: This meeting will review applications for History of Art and Architecture II, submitted to the Division of Research Programs at the May 1, 2001 deadline.

14. Date: August 17, 2001.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.

Program: This meeting will review applications for European History, submitted to the Division of Research Programs at the May 1, 2001 deadline.

Laura S. Nelson,

Advisory Committee Management Officer.

[FR Doc. 01-18708 Filed 7-26-01; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-334 and 50-412]

Firstenergy Nuclear Operating Company (FENOC), et al., Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR-66 and NPF-73 issued to FENOC (the licensee) for operation of the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and 2), located in Shippingport, PA.

The proposed amendment would revise the applicability of the current BVPS-2 heatup/cooldown curves contained in Technical Specification (TS) 3/4.4.9, "Pressure/Temperature Limits," from 15 Effective Full-Power Years (EFPY) to 14 EFPY. Proposed changes to TS 3.7.1.1, "Main Steam Safety Valves (MSSVs)," include revisions of the limiting condition for operation and to the title and content of Table 3.7-1 to provide consistency with the NUREG-1431 improved standard TS, creation of new Actions to address inoperable MSSVs, reduction of the Power Range Neutron Flux—High reactor trip setpoint to be consistent with Technical Specification Traveler

Form—235, Revision 1, and changes to the maximum power levels permissible with inoperable MSSVs. TS Bases changes are also proposed for consistency.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change to the Effective Full Power Years (EFPY) for the Unit 2 reactor coolant system heatup/cooldown curves are being made to impose a conservative projection of the increase in neutron fluence associated with a proposed 1.4% power uprate. This projection will ensure that the requirements of 10 CFR 50, Appendix G, "Fracture Toughness Requirements," will continue to be met following the proposed uprate. Thus, there is no significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes to the Main Steam Safety Valve (MSSV) Technical Specifications will not reduce the valve's capability to provide pressure relief when required. The design basis events that were protected against by the heatup/cooldown curves and the MSSV's have not changed; therefore, the probability of an accident previously evaluated is not increased by these proposed changes. These proposed changes also do not alter any assumptions previously made in the radiological consequence evaluations, nor affect mitigation of the consequences of an accident previously evaluated.

Therefore, the proposed changes do not result in a significant increase in the probability or consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No new accident scenarios, failure mechanisms or single failures are introduced

as a result of the proposed changes. All systems, structures, and components previously required for the mitigation of an event remain capable of fulfilling their intended design function. The proposed changes have no adverse effects on any safety-related system or component and do not challenge the performance or integrity of any safety related system.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

The proposed change to the EFPYs for the Unit 2 reactor coolant system heatup/cooldown curves preserves the margin of safety by imposing a conservative projection of the increase in neutron fluence associated with the proposed 1.4% power uprate.

The design basis for the MSSVs is to limit the secondary system pressure to $\leq 110\%$ of design pressure for any anticipated operational occurrence (AOO) or accident considered in the Design Basis Accident and transient analysis. All cases analyzed demonstrate that the MSSVs maintain Main Steam System integrity by limiting the maximum steam pressure to less than 110% of system design pressure. Since the design basis of the MSSVs is maintained, there is no significant reduction in the margin of safety.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to

take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By August 27, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically on the Internet at the NRC Web site <http://www.nrc.gov/NRC/CFR/index.html>. If there are problems in accessing the document, contact the Public Document Room Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted

with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The

final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mary O'Reilly, Attorney, FirstEnergy Legal Department, FirstEnergy Corporation, 76 S. Main Street, Akron, OH 44308, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 18, 2001 (Agencywide Documents Access and Management Systems [ADAMS] Accession No. ML010230096) as supplemented on June 26, 2001 (ADAMS Accession No. ML011840215), which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/NRC/ADAMS/index.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 20th day of July 2001.

For the Nuclear Regulatory Commission.

Lawrence J. Burkhardt,

Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01-18769 Filed 7-26-01; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Virginia Electric Power Company, North Anna, Units 1 and 2, and Surry, Units 1 and 2, Notice of Acceptance for Docketing of the Applications and Notice of Opportunity for a Hearing Regarding Renewal of Facility Operating License Nos. NPF-4, NPF-7, DPR-32, and DPR-37 for an Additional 20-year Period

The U.S. Nuclear Regulatory Commission (the Commission) is considering applications for the renewal of Operating License Nos. NPF-4 and NPF-7, issued pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, which authorize Virginia Electric Power Company (VEPCO) to operate North Anna Nuclear Station, Units 1 and 2, at 2893 megawatts thermal; and Operating License Nos. DPR-32 and DPR-37, issued pursuant to Section 104b of the Atomic Energy Act of 1954, as amended, which authorize VEPCO to operate Surry Nuclear Station, Units 1 and 2, at 2546 megawatts thermal. The renewed licenses would authorize the applicant to operate North Anna Nuclear Station, Units 1 and 2, and Surry Nuclear Station, Units 1 and 2, for an additional 20 years beyond the period specified in the current licenses. The current operating licenses for North Anna Nuclear Station, Units 1 and 2, expire on April 1, 2018, and August 21, 2020, respectively. The current operating licenses for Surry Nuclear Station, Units 1 and 2, expire on May 25, 2012 and January 29, 2013, respectively.

VEPCO submitted an application to renew the operating licenses for North Anna, Units 1 and 2, and Surry, Units 1 and 2 on May 29, 2001. A Notice of Receipt of Application, "Virginia Electric Power Company, North Anna, Units 1 and 2, and Surry, Units 1 and 2; Notice of Receipt of Application for Renewal of Facility Operating License Nos. NPF-4, NPF-7, DPR-32, and DPR-37 for an Additional 20-year Period," was published in the **Federal Register** on June 28, 2001 (66 FR 34489).

The Commission's staff has determined that VEPCO has submitted information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, and 51.53(c) that is complete and acceptable for docketing. The current Docket Nos. 50-338, 339, 280, and 281 for Operating License Nos. NPF-4, NPF-7, DPR-32, and DPR-37, respectively, will be retained. The docketing of the renewal application does not preclude requesting additional information as the review proceeds, nor does it predict whether the Commission will grant or deny the application.

Before issuance of each requested renewed license, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's rules and regulations. In accordance with 10 CFR 54.29, the NRC will issue a renewed license on the basis of its review and findings that actions have been identified and have been or will be taken with respect to (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review, and (2) time-limited aging analyses that have been identified as requiring review such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB) and that any changes made to the plant's CLB comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement that is a supplement to the Commission's NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants" (May 1996). Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding this meeting will be included in a future **Federal Register** notice. The Commission also intends to hold public meetings to discuss the license renewal process and the schedule for conducting the review. The Commission will provide prior notice of these meetings. As discussed further herein, in the event that a hearing is held, issues that may be litigated will be confined to those pertinent to the foregoing.

By August 27, 2001, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene

with respect to the renewal of the licenses in accordance with the provisions of 10 CFR 2.714. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, 11555 Rockville Pike (first floor) Rockville, Maryland, and on the NRC Web site at <http://www.nrc.gov> (the Electronic Reading Room). If a request for a hearing or a petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request(s) and/or petition(s), and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. In the event that no request for a hearing or petition for leave to intervene is filed by the above date, the NRC may, upon completion of its evaluations and upon making the findings required under 10 CFR parts 54 and 51, renew the licenses without further notice.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding, taking into consideration the limited scope of matters that may be considered pursuant to 10 CFR parts 54 and 51. The petition must specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. The petition must also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the board up to 15 days before the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days before the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. Each contention must consist of a specific

statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of each contention and a concise statement of the alleged facts or the expert opinion that supports the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Requests for a hearing and petitions for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, 11555 Rockville Pike (first floor), Rockville, Maryland, 20855-2738, by the above date. A copy of the request for a hearing and the petition to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mr. David A. Christian, Sr. Vice President and Chief Nuclear Officer, Virginia Electric Power Company, Innsbrook Technical Center, 5000 Dominion Boulevard, Glen Allen, VA 23060-6711.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions, and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Detailed information about the license renewal process can be found under the nuclear reactors' icon of the NRC's Web page at <http://www.nrc.gov>.

A copy of the applications to renew the operating licenses for North Anna Nuclear Station, Units 1 and 2, and Surry Nuclear Station, Units 1 and 2, is available for public inspection at the Commission's Public Document Room, 11555 Rockville Pike (first floor), Rockville, Maryland, 20855-2738, and on the NRC's Web page at <http://www.nrc.gov>. The staff has also verified that a copy of the license renewal application for the North Anna nuclear station has been provided to the Alderman Library at the University of Virginia, and that a copy of the license renewal application for the Surry nuclear station has been provided to the Swem Library at the College of William and Mary.

Dated at Rockville, Maryland, this the 23rd day of July 2001.

For the Nuclear Regulatory Commission.

Christopher I. Grimes,

Chief, License Renewal and Standardization Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 01-18768 Filed 7-26-01; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-305]

Nuclear Management Company, LLC, Kewaunee Nuclear Power Plant, Notice of Consideration of Approval of Transfer of Facility Operating License and Conforming Amendment, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. DPR-43 for the Kewaunee Nuclear Power Plant (KNPP), to the extent held by Madison Gas and Electric Company (MG&E) in connection with MG&E's 17.8 percent ownership interest in KNPP. The transfer would be to Wisconsin Public Service Corporation (WPSC), currently a 41.2 percent owner of KNPP. Wisconsin Power and Light Company (WP&L), the only other co-owner of KNPP, is not involved in the transfer. Nuclear Management Company, LLC (NMC), the licensed operator of KNPP, would remain as such. The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

According to an application for approval filed by NMC, WPSC would acquire MG&E's ownership interest in the facility following approval of the proposed license transfer, and would become responsible for the decommissioning costs for KNPP that are currently the responsibility of MG&E, in addition to remaining responsible for such costs associated with WPSC's current ownership interest. MG&E will transfer a certain amount of the decommissioning trust funds accumulated by it, and make certain additional payments, to WPSC such that the total amount of decommissioning funds held by WPSC following the transfer of MG&E's ownership interest in KNPP to WPSC would exceed the Commission's required minimum amount on a pro rata basis. No physical changes to the facility or operational changes are being proposed in the application.

The proposed amendment would delete references to MG&E in the license to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the

license transfer application, are discussed below.

By August 16, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon Bradley D. Jackson, Esq., Foley & Lardner, One South Pinckney Street, P.O. Box 1497 Madison, WI 53701–1497, telephone number 608–258–4262, fax number 608–258–4258, and e-mail BJackson@foleylaw.com; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only OGCLT@nrc.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by August 27, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear

Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated April 30, 2001, supplemental submittal dated June 27, 2001, available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland this 20th day of July 2001.

For the Nuclear Regulatory Commission.

John G. Lamb,

Project Manager Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–18770 Filed 7–26–01; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

- (1) *Collection title:* Appeal Under the Railroad Retirement and Railroad Unemployment Insurance Act.
- (2) *Form(s) submitted:* HA–1.
- (3) *OMB Number:* 3220–0007.
- (4) *Expiration date of current OMB clearance:* 09/30/2001.
- (5) *Type of request:* Extension of a currently approved collection.
- (6) *Respondents:* Individuals or Households.
- (7) *Estimated annual number of respondents:* 1,150.
- (8) *Total annual responses:* 1,150.
- (9) *Total annual reporting hours:* 382.
- (10) *Collection description:* Under

Section 7(b)(3) of the Railroad Retirement Act and Section 5(c) of the Railroad Unemployment Insurance Act, a person aggrieved by a decision on his or her application for an annuity or other benefit has the right to appeal to the RRB. The collection provides the means for the appeal action.

FOR FURTHER INFORMATION CONTACT: Copies of the forms and supporting

documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–2092 and the OMB reviewer, Marcie Brown (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Chuck Mierzwa,
Clearance Officer.

[FR Doc. 01–18799 Filed 7–26–01; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–25071; 812–12292]

JNL Series Trust, et al.; Notice of Application

July 20, 2001.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of application for an order under sections 6(c), 12(d)(1)(J), and 17(b) of the Investment Company Act of 1940 (the "Act") for exemptions from sections 12(d)(1)(A) and (B) and 17(a) of the Act, and under section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint transactions.

SUMMARY OF APPLICATION: The request order would permit certain registered management investment companies to invest uninvested cash and cash collateral in affiliated money market funds in excess of the limits in sections 12(d)(1)(A) and (B) of the Act.

APPLICANTS: JNL Series Trust ("Trust"); JNL Investors Series Trust ("Investors Series Trust"); JNL Variable Fund LLC, JNL Variable Fund III LLC, JNL Variable Fund IV LLC, JNL Variable Fund V LLC, JNLNY Variable Fund I LLC, JNLNY Variable Fund II LLC (collectively, the "Variable Funds"); Jackson National Asset Management, LLC ("JNAM"); all existing and future registered management investment companies for which JNAM or an entity controlling, controlled by, or under common control with JNAM, serves in the future as an investment adviser (collectively, the "Investment Companies") and all existing and future series (each, a "Fund") of each of the Investment Companies.

Filing Dates:

The application was filed on October 5, 2000. Applicants have agreed to file an amendment to the application during

the notice period, the substance of which is reflected in this notice.

Hearing or Notification of Hearing:

An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 14, 2001, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC, 20549-0609. Applicants, 1 Corporate Way, Lansing, Michigan, 48951.

FOR FURTHER INFORMATION CONTACT: Julia Kim Gilmer, Senior Counsel, at (202) 942-0528, or Nadya B. Roytblat, Assistant Director, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC, 20549-0102 (tel. 202-942-8090).

Applicants' Representations

1. The Trust and the Investors Series Trust, Massachusetts business trusts, and the Variable Funds, each a Delaware limited liability company, are registered under the Act as open-end series management investment companies. The Trust currently offers 43 series, and the Investor Series Trust currently offers a single series. The PPM America/JNL Money Market Series of the Trust and the JNL Money Market Fund of the Investors Series Trust, hold themselves out as money market funds and are subject to the requirements of rule 2a-7 under the Act (together with any other future money market Funds subject to rule 2a-7, "Money Market Funds").¹ JNAM, a Michigan limited liability company, and a wholly-owned subsidiary of Jackson National Life

Insurance Company, is registered as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act") and serves as the investment adviser to the Trust, Investor Series Trust and the Variable Funds.²

2. Applicants state that each of the Funds has, or may have, uninvested cash held by its custodian ("Uninvested Cash"). Uninvested Cash may result from a variety of sources, included dividends or interest received on portfolio securities, unsettled securities transactions, reserves held for investment strategy purposes, scheduled maturity of investments, proceeds from liquidation of investment securities, dividend payments, or money received from investors. The Funds also may participate in a securities lending program under which a Fund may lend its portfolio securities to brokers, dealers or other financial institutions ("Securities Lending Arrangements"). The loans are continuously secured by collateral equal to not less than 102% of the market value of the Securities loaned. Collateral for these loans may include cash ("Cash Collateral" and together with Uninvested Cash, "Cash Balances").

3. Applicants request an order to permit each of the Funds to invest its Cash Balances in shares of one or more Money Market Funds (such Funds, including Money Market Funds that purchase shares of other Money Market Funds, are referred to as "Investing Funds"), and the Money Market Funds to sell their shares to and redeem shares from, the Investing Funds. Investment of Cash Balances in shares of the Money Market Funds will be made only if permitted by such Investing Fund's investment restrictions and policies as set forth in its prospectus and statement of additional information. Applicants believe that the proposed transactions may reduce transaction costs, create more liquidity, increase returns, and further diversify holdings.

Applicants' Legal Analysis

1. Section 12(d)(1)(A) of the Act provides, in pertinent part, that no registered investment company may acquire securities of another investment company if such securities represent more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or if such securities, together with the securities of other acquired investment companies,

represent more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) of the Act, in pertinent part, provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies.

2. Section 12(d)(1)(J) of the Act authorizes the Commission to exempt any person, security, or transaction from any provision of section 12(d)(1) if, and to the extent that, such exemption is consistent with the public interest and the protection of investors. Applicants request relief under section 12(d)(1)(J) from the limitations of sections 12(d)(1)(A) and (B) to permit the Investing Funds to invest Cash Balances in Money Market Funds.

3. Applicants state that the proposed arrangement would not result in the abuses that sections 12(d)(1)(A) and (B) were intended to prevent. Applicants state that because each Money Market Fund will maintain a highly liquid portfolio, an Investing Fund will not be in a position to gain undue influence over a Money Market Fund through threat of redemption. Applicants represent that the proposed arrangement will not result in an inappropriate layering of fees because shares of the Money Market Funds sold to the Investing Funds will not be subject to a sales load, redemption fee, distribution fee under a plan adopted in accordance with rule 12b-1 under the Act, or service fee (as defined in rule 2830 of the National Association of Securities Dealers' ("NASD") Conduct Rules), or, if such shares are subject to any such sales load, redemption, distribution or service fee, JNAM will waive its advisory fee for each Investing Fund in an amount that offsets the amount of such fees incurred by the Investing Fund. Applicants state that if a Money Market Fund offers more than one class of securities, each Investing Fund will invest its Cash Balances only in the class with the lowest expense ratio at the time of the investment. Before approving any advisory contract for an Investing Fund, the Investing Fund's board of directors or trustees (the "Fund Board"), including a majority of the director or trustees who are not "interested persons," as defined in section 2(a)(19) of the Act ("Independent Trustees") will consider to what extent, if any, the advisory fees charged to the Investing Fund by JNAM should be reduced to account for reduced services provided

¹ All Funds that currently intend to rely on the requested order are named as applicants. Other existing or future Funds that may reply on the order in the future will do so only in accordance with the terms and conditions of the application.

² Applicants also request that the order extend to any entity or entities that result from a reorganization of JNAM into another jurisdiction or a change in type of business organization.

to the Investing Fund by JNAM as a result of Uninvested Cash being invested in a Money Market Fund. Applicants represent that no Money Market Fund whose shares are held by an Investing Fund will acquire securities of any other investment company in excess of the limitations contained in section 12(d)(1)(A) of the Act.

4. Section 17(a) of the Act makes it unlawful for any affiliated person of a registered investment company, or an affiliated person of such person, acting as principal, to sell or purchase any security to or from the company. Section 2(a)(3) of the Act defines an "affiliated person" of an investment company to include, among others, any person directly or indirectly controlling, controlled by, or under common control with the other person and any person owning, controlling, or holding with power to vote, 5% or more of the other person. Applicants state that, because the Funds share a common investment adviser, each Fund may be deemed to be under common control with each of the other Funds, and thus an affiliated person of each of the other Funds. In addition, if the relief is granted, an Investing Fund could become an affiliated person of a Money Market Fund by owning 5% or more of a Money Market Fund. Accordingly, section 17(a) would prohibit the sale of Money Market Fund shares to the Investing Funds, and the redemption of such shares by the Investing Funds.

5. Section 17(b) of the Act authorizes the Commission to exempt a transaction from section 17(a) if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, the proposed transaction is consistent with the policy of each investment company concerned, and the proposed transaction is consistent with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt persons or transactions from any provision of the Act if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

6. Applicants submit that their request for relief to permit the purchase and redemption of shares of a Money Market Fund by the Investing Funds satisfies the standards in sections 6(c) and 17(b) of the Act. Applicants note that shares of the Money Market Funds will be purchased and redeemed at their net asset value, the same consideration paid and received for these shares by

any other shareholder. Applicants state that the investing funds will retain their ability to invest Cash Balances directly in money market instruments as authorized by their respective investment objectives and policies if they believe they can obtain a higher rate of return, or for any other reason. Applicants also state that each Money Market Fund has the right to discontinue selling shares to any of the Investing Funds if the Money Market Fund's Independent Trustees determine that such sales would adversely affect the Money Market Fund's portfolio management and operations.

7. Section 17(d) of the Act and rule 17d-1 under the Act prohibit an affiliated person of a registered investment company, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates. Applicants state that each Investing Fund, by purchasing shares of the Money Market Funds, JNAM, by managing the assets of the Investing Funds invested in the Money Market Funds, and each Money Market Fund, by selling shares to the Investing Funds, could be deemed to be participants in a joint enterprise or arrangement within the meaning of section 17(d) of the Act and rule 17d-1 under the Act.

8. Rule 17d-1 permits the Commission to approve a proposed joint transaction covered by the terms of section 17(d) of the Act. In determining whether to approve a transaction, the Commission will consider whether the proposed transaction is consistent with the provisions, policies, and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants. Applicants submit that the investment by the Investing Funds in shares of the Money Market Funds would be on the same basis and would be indistinguishable from any other shareholder account maintained by the same class of Money Market Funds and that the transactions will be consistent with the Act.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Shares of the Money Market Funds sold to and redeemed by the Investing Funds will not be subject to a sales load, redemption fee, distribution fee under a plan adopted in accordance with rule 12b-1 under the Act or service fee (as defined in rule 2830(b)(9) of the NASD's Conduct Rules), or if such shares are

subject to any such fee, JNAM will waive its advisory fee for each Investing Fund in an amount that offsets the amount of such fees incurred by the Investing Fund.

2. Prior to reliance on the order, an Investing Fund will hold a meeting of the Fund Board for the purpose of voting on the advisory contract under section 15 of the Act. Before approving any advisory contract for an Investing Fund, the Fund Board, including a majority of the Independent Trustees, taking into account all relevant factors, shall consider to what extent, if any, the advisory fees charged to the Investing Fund by JNAM should be reduced to account for reduced services provided to the Fund by JNAM as a result of Uninvested Cash being invested in a Money Market Fund. In connection with this consideration, JNAM will provide the Fund Board with specific information regarding the approximate cost to JNAM of, or portion of the advisory fee under the existing advisory contract attributable to, managing the Uninvested Cash of an Investing Fund that can be expected to be invested in a Money Market Fund. The minute books of the Investing Fund will record fully the Fund Board's considerations in approving the advisory contract, including the consideration relating to fees referred to above.

3. Each Investing Fund will invest Uninvested Cash in, and hold shares of, the Money Market Funds only to the extent that the Investing Fund's aggregate investment in the Money Market Funds does not exceed 25 percent of the Investing Fund's total assets. For purposes of this limitation, each Investing Fund will be treated as a separate investment company.

4. Investment of Cash Balances in shares of the Money Market Funds will be in accordance with each Investing Fund's respective investment restrictions, if any, and will be consistent with each Investing Fund's policies as set forth in its prospectus and statement of additional information.

5. Each Investing Fund, each Money Market Fund, and any future Fund that may rely on the order shall be part of the same group of investment companies, as defined in section 12(d)(1)(G)(ii) of the Act, and shall be advised by JNAM or a person controlling, controlled by, or under common control with JNAM.

6. No Money Market Fund whose shares are held by an Investing Fund shall acquire securities of any investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

7. Before a Fund may participate in Securities Lending Arrangements, a majority of the Fund Board, including a majority of the Independent Trustees, will approve the Fund's participation in Securities Lending Arrangements. Such Independent Trustees also will evaluate the Securities Lending Arrangements and their results no less frequently than annually and determine that any investment of Cash Collateral in the Money Market Funds is in the best interest of the shareholders of the Fund.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01-18733 Filed 7-26-01; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-44580; File No. SR-OPRA-2001-02]

Options Price Reporting Authority; Order Granting Partial Approval to the Portion of an Amendment to OPRA Plan To Permit Exchanges To Disseminate Unconsolidated Market Information to Certain of Their Members Under Certain Circumstances

July 20, 2001.

I. Introduction

On April 12, 2001, the Options Price Reporting Authority ("OPRA"),¹ submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 11A of the Securities Exchange Act of 1934 ("Act"),² and Rule 11Aa3-2 thereunder,³ an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information ("OPRA Plan"). The

proposed amendment would permit options exchanges to disseminate unconsolidated market information to certain of their members under certain circumstances. Notice of the proposed amendment was published in the **Federal Register** on May 31, 2001.⁴ No comments were received on the proposal. This Order grants partial approval to the portion of the proposed amendment to the OPRA Plan that precisely mirrors the conditions set forth in exemptive letters previously issued by the Commission.⁵

II. Description and Purpose of the Amendment

OPRA proposes to change the provision of the OPRA Plan that requires the participants to use the OPRA System as the exclusive means for the dissemination of options last sale reports and quotation information (the "exclusivity clause"). The proposed amendment, in part, would modify the exclusivity clause to incorporate two conditional, temporary exemptions from the exclusivity clause that the Commission previously granted to the ISE and the CBOE.⁶ These exemptions, which expire on September 1, 2001, permit these two exchanges to disseminate to all of their members, but not to other persons, unconsolidated market information pertaining to options traded in their respective markets by means of communication networks other than the OPRA System, subject to certain conditions.

The proposed amendment would modify the exclusivity clause so that each OPRA participant could disseminate its own market information by means of communication networks separate from the OPRA System under the following conditions. First, an OPRA participant could disseminate its own market information through means separate from the OPRA System only to other OPRA participants, and to its members for display on terminals or workstations used by persons associated

with such members who are authorized to enter or transmit orders or quotations in the options market maintained by the OPRA participant.⁷ This condition means that an exchange's market information could not be furnished to a customer of a member, whether over a terminal sponsored by a member or otherwise.

Second, each member to which an OPRA participant disseminates its market information would be required to have equivalent access to consolidated options market information disseminated by OPRA for the same classes or series of options that are included in the market information.⁸ Access would be deemed to be "equivalent" if the information were equally accessible on the same terminal or workstation. Both of these conditions are consistent with conditions set forth by the Commission in the exemptive letters to the ISE and CBOE.

Finally, the proposed amendment would prohibit OPRA participants from disseminating their market information through means other than the OPRA System on a more timely basis than the same information is furnished to the OPRA System for inclusion in the consolidated information disseminated by OPRA.⁹ While this condition mirrors one set forth in the exemptive letters because it would not consider market information to be disseminated more timely than information is furnished to the OPRA System simply because the market information includes additional or more frequently updated information, so long as it does not include additional or more frequently updated price information with respect to the best bid or best offer for any series of options as compared with price information furnished to OPRA. Accordingly, the proposed amendment would permit an OPRA participant to provide market information through a network separate from the OPRA System that is in addition to, or different from, the information furnished to the OPRA System, including information concerning orders and quotations in the OPRA participants' market that do not represent the best bid and offer and size information.

The proposed amendment to the current OPRA Plan is reproduced below. Additions are italicized.

* * * * *

⁷ See proposed OPRA Plan amendment, Section V.(c)(iii)(A).

⁸ See proposed OPRA Plan amendment, Section V.(c)(iii)(B).

⁹ See proposed OPRA Plan amendment, Section V.(c)(iii)(C).

¹ OPRA is a national market system plan approved by the Commission pursuant to Section 11A of the Exchange Act, 15 U.S.C. 78k-1, and Rule 11Aa3-2 thereunder, 17 CFR 240.11Aa3-2. See Securities Exchange Act Release No. 17638 (March 18, 1981), 22 S.E.C. Docket 484 (March 31, 1981). The OPRA Plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the participant exchanges. The five signatories to the OPRA Plan that currently operate an options market are the American Stock Exchange, the Chicago Board Options Exchange ("CBOE"), the International Securities Exchange ("ISE"), the Pacific Exchange, and the Philadelphia Stock Exchange. The New York Stock Exchange is a signatory to the OPRA Plan, but sold its options business to the CBOE in 1997. See Securities Exchange Act Release No. 38542 (April 23, 1997), 62 FR 23521 (April 30, 1997).

² 15 U.S.C. 78k-1.

³ 17 CFR 240.11Aa3-2.

⁴ See Securities Exchange Act Release No. 44347 (May 24, 2001), 66 FR 29612.

⁵ See *infra* notes 5-8 and accompanying text.

⁶ These exemptions were granted pursuant to Exchange Act Rule 11Aa3-2(f), 17 CFR 240.11Aa3-2(f). See letters from Robert L.D. Colby, Deputy Director, Division of Market Regulation, Commission, to Michael J. Simon, Senior Vice President and General Counsel, ISE, dated May 25, 2000 and to Edward J. Joyce, President and Chief Executive Officer, CBOE, dated November 6, 2000. These letters, originally drafted to expire on May 26, 2001, have been extended until September 1, 2002. See letters from Robert L.D. Colby, Deputy Director, Division of Market Regulation, Commission, to Michael J. Simon, Senior Vice President and General Counsel, ISE, dated May 24, 2001 and to Edward J. Joyce, President and Chief Executive Officer, CBOE, dated May 24, 2001.

V. Collection and Dissemination of Options Last Sale Reports and Quotation Information

(a)–(b) No change.

(c) Dissemination of Last Sale Reports, Quotation Information and Other Information.

(i) The OPRA System shall provide for the uniform, nondiscriminatory dissemination of Options Information, on fair and reasonable terms over a network or networks to vendors, subscribers and other approved persons. Last sale reports and quotation information with respect to eligible securities shall be disseminated only through the OPRA System, and only such reports and information, together with other information that satisfies the conditions of *paragraph (iv) of this Section V(c)* or is approved by OPRA, shall be disseminated through the System.

(ii) *Notwithstanding paragraph (i) of this Section V(c), a party may disseminate information pertaining to quotations and transactions in its market ("Proprietary Information") through a network separate from the OPRA System provided that such dissemination meets the requirements of paragraphs (iii) and (iv) of this Section V(c).*

(iii) *A party may disseminate its Proprietary Information pursuant to paragraph (ii) of this Section V(c) provided that:*

(A) *such dissemination is limited to (1) such party's members only for display on terminals or workstations used by persons associated with the member who are authorized to enter or transmit orders or quotations in or to the options market maintained by such party, and (2) other parties to the Plan;*

(B) *each member to which a party disseminates its Proprietary Information also has equivalent access to consolidated Options Information disseminated by OPRA for the same classes or series of options that are included in the Proprietary Information. For purposes of this subparagraph (B), access to consolidated Options Information and access to Proprietary Information are deemed "equivalent" if both kinds of information are equally accessible on the same terminal or workstation; and*

(C) *a party may not disseminate its Proprietary Information on any more timely basis than the same information is furnished to the OPRA System for inclusion in OPRA's consolidated dissemination of Options Information. For purposes of this subparagraph (C), Proprietary Information shall not be deemed to be disseminated more timely*

than information is furnished to the OPRA System simply because the Proprietary Information includes additional or more frequently updated information (but not additional or more frequently updated price information in respect of the best bid or offer for any series of options included in OPRA's consolidated dissemination) than is required to be furnished to the OPRA System.

(iv) Any one or more parties may utilize the OPRA System for the purpose of disseminating information in addition to last sale reports and quotation information, but only if the following conditions are met:

(1)–(4) No change.

(d) *Indemnification* No change.

* * * * *

III. Discussion

After careful review, the Commission finds that it is appropriate to partially approve the proposed amendment. Specifically, the Commission is approving all proposed changes to Section V of the OPRA Plan, except the last sentence of paragraph (c)(ii)(C).

Although the Commission continues to strongly support the dissemination of consolidated market data to all market participants, there is no clear policy reason to justify limiting the market information made available to the members of a particular market, so long as consolidated information is readily available either on the same terminal or on a separate terminal or device at the same workstation. The Commission believes that the restrictions on the dissemination of unconsolidated market data, coupled with the conditions that each member to which an OPRA participant disseminates its proprietary information has equivalent access to consolidated options market information disseminated by OPRA for the same classes or series of options that are included in the proprietary information and that all market data provided to the OPRA system be as timely as the market data provided directly to participant members, should provide adequate safeguards to ensure that the use of unconsolidated market information is appropriately limited. The Commission notes that the proposed conditions on the dissemination of unconsolidated data are the same conditions imposed on the CBOE and ISE as conditions of the grant of exemptive relief from the exclusivity clause of the OPRA Plan.

Further, the Commission believes that by modifying the OPRA Plan to incorporate the exemptions previously granted to the CBOE and ISE from the OPRA Plan's exclusivity clause, the

proposed amendment will place all of the parties to the OPRA Plan on equal footing with respect to the right to disseminate market data to their members, thereby fostering fair and equal competition among all of the parties. The Commission believes that this will allow any of the parties to the OPRA Plan to make market information available to members who enter or transmit orders or quotes in or to its market, while at the same time assuring that all persons who have access to market information also have equal access to consolidated market information disseminated by OPRA.

The Commission is not approving the portion of the amendment that would permit the dissemination of proprietary information through means other than the OPRA System that is additional or updated more frequently than the information disseminated through OPRA, such as information relating to the size associated with an exchange's quotes.¹⁰ The Commission cannot find that this portion of the amendment is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and to perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Act because, as discussed below, the Commission finds that this provision is inconsistent with the Commission's Quote Rule.¹¹

The Commission's Quote Rule requires that if an exchange collects from responsible brokers or dealers quotation sizes and aggregate quotation sizes in listed options, such exchange must make available the aggregate quotation sizes associated with the best bid and offer to quotation vendors. The Commission believes, and OPRA acknowledges, that, absent an exemption from the Quote Rule, an exchange may not make available aggregate quote size through a network separate from the OPRA System (*i.e.*, make available to a quotation vendor) without also making such information available to other quotation vendors

¹⁰ The proposed text of the amendment that the Commission is not approving reads:

For purposes of this subparagraph (C), Proprietary Information shall not be deemed to be disseminated more timely than information is furnished to the OPRA System simply because the Proprietary Information includes additional or more frequently updated information (but not additional or more frequently updated price information in respect of the best bid or offer for any series of options included in OPRA's consolidated dissemination) than is required to be furnished to the OPRA System.

¹¹ Exchange Act Rule 11Ac1–1, 17 CFR 240.11Ac1–1.

through the OPRA System. Because the proposed amendment would permit an OPRA participant to provide market information through a network separate from the OPRA System that is in addition to or different from the information furnished to the OPRA System, the Commission finds that this provision is inconsistent with the Quote Rule, promulgated under Section 11A of the Act.¹²

IV. Conclusion

It is therefore ordered, pursuant to Rule 11Aa3-2 of the Act,¹³ that the proposed OPRA Plan amendment is approved in part.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁴

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01-18764 Filed 7-26-01; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During Week Ending July 13, 2001

The following Agreements were filed with the Department of Transportation under provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the applications.

Docket Number: OST-2001-10092

Date Filed: July 10, 2001

Parties: Members of the International Air Transport Association

Subject:

PTC2 ME 0092 dated 29 June 2001
TC2 Within Middle East Expedited Resolutions 002d, 070ba

PTC2 ME 0093 dated 29 June 2001
Intended effective date: 15 August 2001

Docket Number: OST-2001-10140

Date Filed: July 12, 2001

Parties: Members of the International Air Transport Association

Subject:

CAC/29/Meet/004/01 dated 23 May 2001

Expedited Resolution 801r
Intended effective date: Expedited 1 July 2001

Docket Number: OST-2001-10141

Date Filed: July 12, 2001

Parties: Members of the International Air Transport Association

Subject:

CAC/29/Meet/006/01 dated 21 June 2001

Finally Adopted Resolutions r1-r14
Minutes—CAC/29/Meet/005/01 dated 18 June 2001

Intended effective date: 1 October 2001

Docket Number: OST-2001-10142

Date Filed: July 12, 2001

Parties: Members of the International Air Transport Association

Subject:

CBPP/8 Finally Adopted Resolution 606

Bar Coded Label [Minutes, circulated by CBPP/8/Meeting/003/00 dated 5 March 2001, were submitted this date with CBPP/8 Finally Adopted Resolution 600a. Both 600a and 606 were adopted at the Cargo Business Process Panel meeting held in Montreal on October 16-18, 2000.]

Intended effective date: 1 October 2001

Docket Number: OST-2001-10143

Date Filed: July 12, 2001

Parties: Members of the International Air Transport Association

Subject:

CBPP/8 Finally Adopted Resolution 600a

Air Waybill Amendment
Minutes—CBPP/8/Meeting/003/00 dated 5 March 2001

Intended effective date: 1 October 2001

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01-18850 Filed 7-26-01; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending July 13, 2001

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period, DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases

a final order without further proceedings.

Docket Number: OST-2001-10115.

Date Filed: July 10, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 31, 2001.

Description: application of Planet Airways, Inc., pursuant to 49 U.S.C. 41102 and Subpart B, requesting a certificate of public convenience and necessity authorizing Planet to engage in scheduled interstate air transportation of persons, property and mail.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01-18849 Filed 7-26-01; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance; Gerald R. Ford International Airport; Grand Rapids, MI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change a portion of the airport from aeronautical use to non-aeronautical use. The proposal consists of one parcel of land, totaling approximately 6.2 acres. Current use and present condition is vacant grassland. There are no impacts to the airport by allowing the airport to dispose of the property. The land was acquired utilizing federal funds under Grant 9-20-072-6001, dated April 13, 1961. Approval does not constitute a commitment by the FAA to financially assist in the lease of the subject airport property nor a determination that all measures covered by the program are eligible for Airport Improvement program funding from the FAA. The disposition of proceeds from the lease of the airport property will be in accordance with the FAA Policy and Procedures Concerning the Use of Airport Revenue, published in the Federal Register on February 16, 1999. This proposal is for approximately 6.2 acres in total.

In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the Federal Register 30 days before modifying the land-use assurance that requires the property to be used for an

¹² 15 U.S.C. 787k-1.

¹³ 17 CFR 11Aa3-2.

¹⁴ 17 CFR 200.30-3(a)(29).

aeronautical purpose. The proposed land will be leased to allow for a new public military air museum and technical aviation education facility. The proposed land is South of John J. Oostema Blvd. and East of Patterson Avenue. The proposed buildings will not exceed 45 feet above ground level at the site. The proposed buildings will be required to meet FAA airspace requirements prior to construction. Currently, this location and use does not appear to impact current FAA safety requirements or future airport development. The proceeds from the leases of land will be used for airport improvements and operation expenses at Gerald R. Ford International Airport.

DATES: Comments must be received on or before August 27, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Migut, Federal Aviation Administration, Great Lakes Region, Detroit Airports District Office, DET ADO-650.2, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111, (734) 487-7278.

Documents reflecting this FAA action may be reviewed at this same location or at Gerald R. Ford International Airport, Grand Rapids, Michigan.

SUPPLEMENTARY INFORMATION: Following is the legal description of the property:

All that part of the NW¼ of Section 30, Township 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: Commencing at the north one-quarter corner of said Section 30, thence North 88°37' East 35.12 feet along the north line of Section 30, thence South 8°47' East 561.95 feet, thence South 81°13' West 559.50 feet, thence North 8°47' West 15.18 feet to the place of beginning of this description; thence South 81°13' West 750.00 feet, thence North 8°47' West 360.00 feet, thence North 81°13' East 750.00 feet, thence South 8°47' East 360.00 feet to the place of beginning. Containing 6.2 acres, more or less.

Issued in Belleville, Michigan, May 18, 2001.

Irene R. Porter,

Manager, Detroit Airports District Office, Great Lakes Region.

[FR Doc. 01-18240 Filed 7-26-01; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-2001-56]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before August 16, 2001.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2000-XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to <http://dms.dot.gov>. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1-800-647-5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267-8033, Sandy Buchanan-Sumter (202) 267-7271, or Vanessa Wilkins (202) 267-8029, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on July 24, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA-2001-10136.

Petitioner: EADS Airbus GmbH.

Section of 14 CFR Affected: 14 CFR § 25.785(d), 25.813(b), 25.857(e), 25.1477(c)(3)(ii).

Description of Relief Sought: To allow Airbus to obtain a supplemental type certificate for conversion from passenger to freighter on an Airbus Model A300B4-600/-600R with the possibility of carrying on the main deck up to six (6) non-crewmembers in addition to the maximum four (4) flight deck occupants, with a limit on the total occupancy of 10.

[FR Doc. 01-18807 Filed 7-26-01; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-2001-57]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before August 16, 2001.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2000-XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to <http://dms.dot.gov>. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m.,

Monday through Friday, except Federal holidays. The Dockets Office (telephone 1-800-647-5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT:

Forest Rawls (202) 267-8033. Sandy Buchanan-Sumter (202) 267-7271, or Vanessa Wilkins (202) 267-8029, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, D.C., on July 24, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA-2001-10069.

Petitioner: The Boeing Company.

Section of 14 CFR Affected: 14 CFR § 25.901(c).

Description of Relief Sought: To Permit Pratt & Whitney 2000 series engines to be certified on Boeing Model 757-300 series airplanes on the basis that, while this type design may not strictly comply with an applicable rule, it would provide a level of safety similar to that of currently approved B757-300 airplane type designs.

[FR Doc. 01-18808 Filed 7-26-01; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Announcing the Sixth Quarterly Meeting of the Crash Injury Research and Engineering Network

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Meeting announcement.

SUMMARY: This notice announces the Sixth Quarterly Meeting of members of the Crash Injury Research and Engineering Network. CIREN is a collaborative effort to conduct research on crashes and injuries at nine Level 1 Trauma Centers which are linked by a computer network. Researchers can review data and share expertise, which could lead to a better understanding of crash injury mechanisms and the design of safer vehicles.

DATE AND TIME: The meeting is scheduled from 9 a.m. to 5 p.m. on Thursday, September 6, 2001.

ADDRESSES: The meeting will be held at the University of Michigan, 1500 E. Medical Center Drive, G2000 Towsley Center (Dow Auditorium), Ann Arbor, Michigan 48109-0201.

FOR FURTHER INFORMATION CONTACT: Mrs. Donna Stemski, Office of Human-Centered Research, 400 Seventh Street, S.W., Room 6206, Washington, DC 20590, telephone: (202) 366-5662.

SUPPLEMENTARY INFORMATION: The CIREN System has been established and crash cases have been entered into the database by each Center. CIREN cases may be viewed from the NHTSA/CIREN web site at: http://www-nrd.nhtsa.dot.gov/include/bio_and_trauma/ciren-final.htm. NHTSA has held three Annual Conferences where CIREN research results were presented. Further information about the three previous CIREN conferences is also available through the NHTSA website. NHTSA held the first quarterly meeting on May 5, 2000, with a topic of lower extremity injuries in motor vehicle crashes, the second quarterly meeting on July 21, 2000, with a topic of side impact crashes, the third quarterly meeting on November 30, 2000, with a topic of thoracic injuries in crashes, the fourth quarterly meeting on March 16, 2001, with a topic of offset frontal collisions, and the fifth quarterly meeting on June 21, 2001, on CIREN outreach efforts. Presentations from these meetings is available through the NHTSA website.

NHTSA plans to continue holding quarterly meetings on a regular basis to disseminate CIREN information to interested parties. This is the sixth such meeting. The topic for this meeting is injuries involving Sport Utility Vehicles (SUVs). Subsequent meetings have tentatively been scheduled for December 2001 and March 2002. These quarterly meetings are in lieu of an annual CIREN conference.

Issued on: July 24, 2001.

Joseph N. Kianianthra,

Acting Associate Administrator for Research and Development, National Highway Traffic Safety Administration.

[FR Doc. 01-18763 Filed 7-26-01; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2001-9430; Notice 2]

Bajaj Auto, Ltd.; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 123

This notice grants the application by Bajaj Auto, Ltd., an Indian corporation, submitted by Rex Products, Inc. of South San Francisco, CA, dba Bajaj USA, for a temporary exemption of two years from a requirement of S5.2.1 (Table 1) of Federal Motor Vehicle Safety Standard No. 123 *Motorcycle Controls and Displays*. The basis of the request is that "compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt vehicles," 49 U.S.C. Sec. 30113(b)(3)(B)(iv).

Notice of receipt of the application was published on April 20, 2001, and an opportunity afforded for comment (66 FR 20349).

Bajaj applied on behalf of its Saffire motor scooters ("scooters") with automatic clutches. The scooters are defined as "motorcycles" for purposes of compliance with the Federal motor vehicle safety standards. According to Bajaj, the Saffire has a 90cc engine and a top speed of 60 km/h.

If a motorcycle is produced with rear wheel brakes, S5.2.1 of Standard No. 123 requires that the brakes be operable through the right foot control, though the left handlebar is permissible for motor driven cycles (Item 11, Table 1). Bajaj would like to use the left handlebar for the rear brake control for the scooters. Standard No. 123 specifies the left handlebar as the location for the manual clutch or integrated clutch and gear change, but there is no clutch on the automatic scooters.

Bajaj argued that the overall level of safety of the scooters equals or exceeds that of a motorcycle that complies with the brake control location requirement of Standard No. 123. Although "it is true that the human foot can apply much more force than can the hand, the foot is much less sensitive to travel distance. With the lever/cable operated brake system used on the Saffire, there is more than enough brake actuation force available to the hand of even the smallest rider."

Bajaj intends to begin sales in the United States "for market testing purposes during the 2001 sales year" and would like to include the Saffire in

its product line; without an exemption it would be unable to do so.

Bajaj anticipates sales of not more than 2500 scooters a year while an exemption is in effect. It believes that an exemption would be in the public interest and consistent with the objectives of traffic safety because it is intended for low-speed urban use, in "congested traffic conditions," and "has been tested by long use in India and the rest of the world." The petitioner states that "neither consumer groups nor governmental authorities have raised any safety concerns as a result of this design." The scooter provides "environmentally clean and fuel efficient * * * urban transportation." Specifically, "the exhaust, crankcase, and evaporative emissions of the motor scooter's very small engine have been demonstrated to be lower than alternative means of transportation such as large motorcycles." If the exemption is granted, "the American consumer will be provided with a broader range of choice of low-cost, efficient, transportation."

Bajaj's application was supported by Jeff Saunders of Palo Alto, California, and three other commenters. In Mr. Saunders' opinion, "Scooters offer an excellent way for novice riders to learn to operate a motorcycle, particularly due to the automatic transmission, the natural riding position, and the smaller size and weight of scooters as opposed to traditional motorcycles of similar engine size."

NHTSA has exempted four other motorcycle manufacturers from S5.2.1 (Piaggio, 65 FR 64741; Vectrix, 64 FR 45585); Italjet, 64 FR 58127, and Aprilia, 64 FR 44262). Our concern about a lack of standardization of the rear brake control for scooter-type vehicles was addressed by Aprilia in its petition which included a report on "Motorscooter Braking Control Study," available for examination in Docket No. NHTSA-99-4357. This report indicated that test subjects' brake reaction times using a vehicle configured like the Saffire were approximately 20% quicker than their reaction times on the conventional motorcycle. We interpreted the report as indicating that a rider's braking response is not likely to be degraded by the different placement of brake controls, and cited it in granting the similar petition by Vectrix. In Bajaj's case, the favorable comments appear to sustain our previous conclusions. As we announced in granting Piaggio's petition in October 2000, "we intend to initiate rulemaking to amend Standard No. 123 to address the location of the brake control on vehicles with automatic transmissions,

such as the petitioner manufactures." That remains our intent.

With respect to the public interest and the objectives of motor vehicle safety, the overall level of safety, as Bajaj argues, appears at least equal to that of vehicles certified to comply with Standard No. 123. Jeff Saunders comments that an exemption would be in the public interest by making available a compact, fuel-efficient vehicle for urban use that would not otherwise be available without an exemption. According to the comment, this is especially important in an urban location such as San Francisco where parking "may cost as much as \$400 per month but parking for scooters and motorcycles is often free." He also relates that "brakes on the handlebars and the automatic transmission also allow this motorcycle to be ridden (with a sidecar) by handicapped persons with limited leg use, who would otherwise have to have expensive brake and transmission modifications made to vehicles' which comply with Standard No. 123.

In consideration of the foregoing, we hereby find that Bajaj has met its burden of persuasion that, to require compliance with Standard No. 123 would prevent the manufacturer from selling a motor vehicle with an overall level of safety at least equal to the overall safety level of nonexempt vehicles. We further find that a temporary exemption is in the public interest and consistent with the objectives of motor vehicle safety. Accordingly, Bajaj Auto Ltd. is hereby granted NHTSA Temporary Exemption No. EX2001-5 from the requirements of item 11, Column 2, Table 1 of 49 CFR 571.123 Standard No. 123 Motorcycle Controls and Displays, that the rear wheel brakes be operable through the right foot control. This exemption applies only to the Saffire and will expire on June 1, 2003. (49 U.S.C. 30113; delegation of authority at 49 CFR 1.50)

Issued on July 23, 2001.

L. Robert Shelton,
Executive Director.

[FR Doc. 01-18762 Filed 7-26-01; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

July 20, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to

OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW, Washington, D.C. 20220.

DATES: Written comments should be received on or before August 27, 2001, to be assured of consideration.

Bureau of Engraving and Printing (BEP)

OMB Number: New.

Form Number: None.

Type of Review: New collection.

Title: Public Awareness of New Currency Design Feature Focus Groups.

Description: Since 1996, the Bureau of Engraving and Printing (BEP) has been producing Series 1996 Federal Reserve Notes based on a new design with counterfeit deterrence features intended to better enable the general public to recognize genuine currency and distinguish it from counterfeits. BEP is preparing to release the next generation of currency, and is again initiating a new design effort. To aid in effective selection of counterfeit deterrence features for the next design, the BEP is sponsoring a study to assess how well the features in the series 1996 design have worked by evaluating how knowledgeable the public is of the new currency.

Respondents: Individuals or households.

Estimated Number of Respondents: 120.

Estimated Burden Hours Per Response: 2 hours, 67 minutes.

Frequency of Response: Other (one time).

Estimated Total Reporting Burden: 320 hours.

Clearance Officer: Pam Corsini (202) 874-2647 Bureau of Engraving and Printing, Room 3.2.C, Engraving and Printing Annex, 14th and C Streets, SW., Washington, DC 20228.

OMB Reviewer: Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 01-18701 Filed 7-26-01; 8:45 am]

BILLING CODE 4840-01-U

DEPARTMENT OF THE TREASURY**Submission for OMB Review;
Comment Request**

July 20, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before August 27, 2001, to be assured of consideration.

**Departmental Offices/International
Portfolio Investment Data Systems**

OMB Number: 1505-0146.

Form Number: TDF Schedules 1, 2 and 3.

Type of Review: Reinstatement.

Title: Survey of U.S. Ownership of Foreign Securities.

Description: The survey will collect information on U.S. holdings of foreign securities. The information will be used to help calculate the U.S. balance of payments and international investment positions, as well as for financial and monetary policy formulation. This survey is also part of an international effort coordinated by the International Monetary Fund (IMF) to improve worldwide balance of payments statistics. Respondents primarily largest banks, securities dealers and investors.

Respondents: Business or other for-profit, Not-for-profit institutions.

Estimated Number of Respondents/Recordkeepers: 2,210.

Estimated Burden Hours Per Respondent/Recordkeeper:

	Hours
Schedule 1, Custodians	360
Schedule 2, Custodians, Investors and U.S. Resident Custodians	40
Schedule 3, Custodians and Investors	16

Frequency of Response: Other (approximately every 3 years).

Estimated Total Reporting/

Recordkeeping Burden: 100,230 hours.

Clearance Officer: Lois K. Holland, (202) 622-1563, Departmental Offices, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

OMB Reviewer: Alexander T. Hunt, (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.
[FR Doc. 01-18702 Filed 7-26-01; 8:45 am]

BILLING CODE 4810-25-U

DEPARTMENT OF THE TREASURY**Submission for OMB Review;
Comment Request**

July 16, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before August 27, 2001, to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545-1054.

Form Number: IRS Form 8726.

Type of Review: Extension.

Title: Application for Automatic Extension of Time to File U.S. Return for a Partnership, REMIC, or for Certain Trusts.

Description: Form 8736 is used by partnerships, REMICs, and by certain trusts to request an automatic 3-month extension of time to file Form 1065, Form 1041, or Form 1066. Form 8736 contains data needed by the IRS to determine whether or not a taxpayer qualifies for such an extension.

Respondents: Business or other for-profit, farms.

Estimated Number of Respondents/Recordkeepers: 36,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—2 hr., 23 min.
Learning about the law or the form—47 min.

Preparing, copying, assembling, and sending the form to the IRS—52 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 145,800 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.
[FR Doc. 01-18703 Filed 7-26-01; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF THE TREASURY**Submission for OMB Review;
Comment Request**

July 20, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before August 27, 2001, to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545-0099.

Form Number: IRS Form 1065, Schedule D and Schedule K-1.

Type of Review: Revision.

Title: U.S. Return of Partnership Income (Form 1065); Capital Gains and Losses (Schedule D); and Partner's Share of Income, Credits, Deductions, etc. (Schedule K-1).

Description: Internal Revenue Code (IRC) section 6031 requires partnerships to file returns that show gross income items, allowable deductions, partner's names, addresses, and distribution shares, and other information. This information is used to verify correct reporting of partnership items and for general statistics.

Respondents: Business or other for-profit, Individuals or households, farms.

Estimated Number of Respondents/Recordkeepers: 1,487,900.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form/Schedule	Recordkeeping	Learning about the law or the form	Preparing the form	Copying, assembling, and sending the form to the IRS
1065	41 hr., 54 min ...	23 hr., 35 min ...	41 hr., 48 min ...	4 hr., 1 min
Schedule D (Form 1065)	6 hr., 56 min	2 hr., 10 min	2 hr., 23 min	
Schedule K-1 (Form 1065)	26 hr., 46 min ...	10 hr., 25 min ...	11 hr., 19 min.	
Schedule L (Form 1065)	15 hr., 32 min ...	6 min	21 min	
Schedule M-1 (Form 1065)	3 hr., 21 min	12 min	16 min	
Schedule M-2 (Form 1065)	2 hr., 52 min	6 min	9 min	

Frequency of Response: Annually.
Estimated Total Reporting/Recordkeeping Burden: 1,211,925,094 hours.

OMB Number: 1545-1173.
Form Number: IRS Form 8815.
Type of Review: Extension.
Title: Exclusion of Interest From Series EE and I U.S. Savings Bonds Issued After 1989.

Description: If an individual redeems series I or series EE U.S. savings bonds issued after 1989 and pays qualified higher education expenses during the year, the interest on the bonds may be excludable from income. Form 8815 is used by the individual to figure the amount of savings bond interest that is excludable.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 25,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—53 min.

Learning about the law or the form—13 min.

Preparing the form—38 min.

Copying, assembling, and sending the form to the IRS—20 min.

Frequency of Response: Annually.
Estimated Total Reporting/

Recordkeeping Burden: 51,110 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.
[FR Doc. 01-18704 Filed 7-26-01; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

July 20, 2001.

The Department of Treasury has submitted the following public

information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before August 27, 2001 to be assured of consideration.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: New.

Form Number: ATF Form 8620.7.

Type of Review: New collection.

Title: Investigator Integrity Questionnaire.

Description: Persons interviewed by contract investigators will be randomly selected to voluntarily complete a questionnaire regarding the investigator's degree of professionalism.

Respondents: Individuals or households.

Estimated Number of Respondents: 2,500.

Estimated Burden Hours Per Respondent: 5 minutes.

Frequency of Response: Other (voluntary basis).

Estimated Total Reporting Burden: 250 hours.

Clearance Officer: Frank Bowers (202) 927-8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.

OMB Reviewer: Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Mary A. Able,

Departmental Reports Management Officer.
[FR Doc. 01-18705 Filed 7-26-01; 8:45 am]

BILLING CODE 4810-31-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

July 20, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before August 27, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545-0010.

Form Number: IRS Form W-4.

Type of Review: Extension.

Title: Employee's Withholding Allowance Certificate.

Description: Employees file this form to tell employers (1) the number of withholding allowances claimed, (2) additional dollar amounts they want withheld each pay period and (3) if they are entitled to claim exemption from withholding. Employers use the information to figure the correct tax to withhold from the employee's wages.

Respondents: Individuals or households, Business or other for-profit, Not-for-profit institutions, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents/Recordkeepers: 54,209,079.

Estimated Burden Hours Per

Respondent/Recordkeeper:

Recordkeeping—46 min.

Learning about the law or the form—13 min.

Preparing the form—59 min.

Frequency of Response: On occasion.

Estimated Total Reporting/

Recordkeeping Burden: 116,007,430 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Mary A. Able,

Departmental Reports Management Officer.
[FR Doc. 01-18706 Filed 7-26-01; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Docket No. 925; ATF O 1130.18]

Delegation Order—Delegation of the Director's Authorities in 27 CFR Part 53, Manufacturers Excise Taxes—Firearms and Ammunition

To: All Bureau Supervisors

1. *Purpose.* This order delegates certain authorities of the Director to subordinate ATF officers.

2. *Cancellation.* ATF O 1100.160, Delegation Order—Delegation to the Associate Director (Compliance Operations) of Authorities of the Director in 27 CFR part 53, Firearms and Ammunition Excise Taxes, dated 01/12/93, is canceled.

3. *Background.* Under current regulations, the Director has authority to take final action on matters relating to the collection and administration of manufacturers excise taxes relating to firearms and ammunition established under Chapter 32 of the Internal Revenue Code of 1986. We have determined that certain of these authorities should, in the interest of efficiency, be delegated to a lower organizational level.

4. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 120-03, dated November 5, 1990, and by 26 CFR

301.7701-9, this ATF order delegates certain authorities to take final action prescribed in 27 CFR part 53 to subordinate officers. Also, this ATF order prescribes the subordinate ATF officer's with whom applications, notices, and reports required by 27 CFR part 53, which are not ATF forms, are filed. The attached table identifies the regulatory sections, documents and authorized ATF officers. The authorities in the table may not be redelegated. An ATF organization chart showing the directorates involved in this delegation order has been attached.

5. *Questions.* Any questions concerning this order should be directed to the Regulations Division at 202-927-8210.

Bradley A. Buckles,

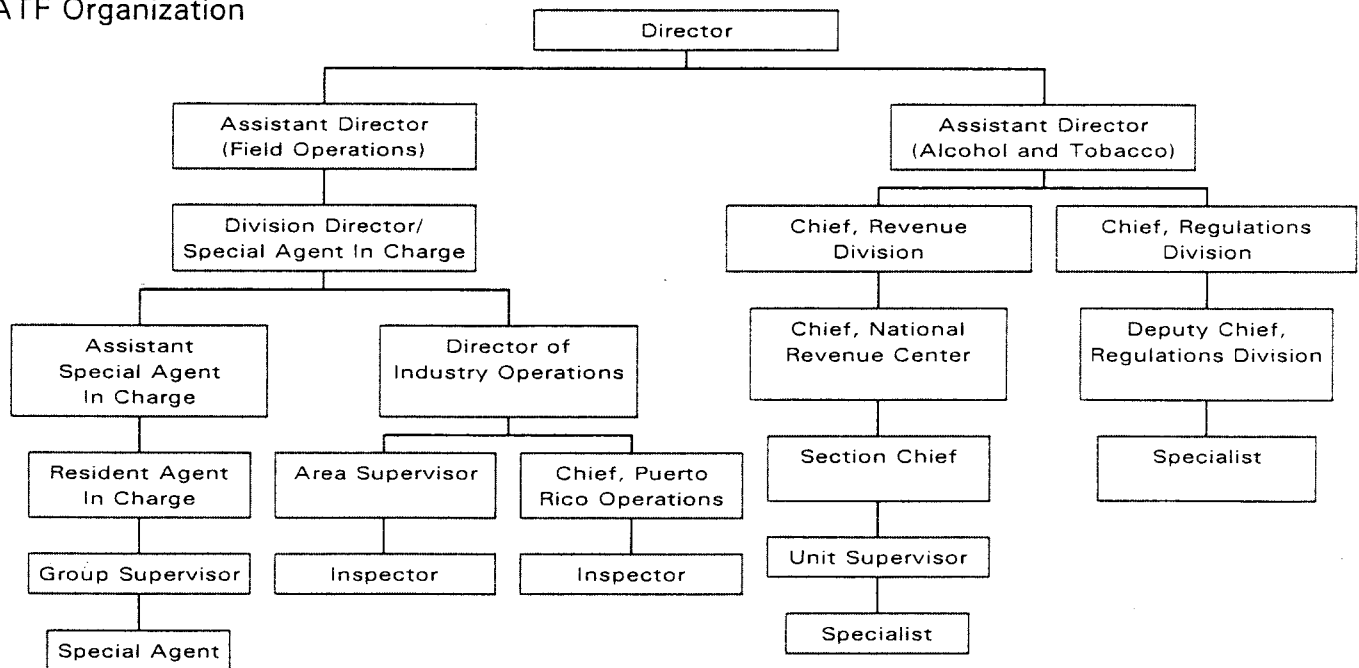
Director.

TABLE OF AUTHORITIES, DOCUMENTS TO BE FILED, AND AUTHORIZED OFFICIALS

Regulatory section	Officer(s) authorized to act or receive document
§ 53.21(a)	Chief or Deputy Chief, Regulations Division.
§ 53.23(a)&(b)	Chief or Deputy Chief, Regulations Division. If the alternate method does not affect import or export recordkeeping, Chief, National Revenue Center (NRC) may act upon the same alternate method that has been approved by the Chief or Deputy Chief, Regulations Division.
§ 53.24(a)(1)	Inspector, Specialist or Special Agent.
§ 53.24(d)(1)	Inspector, Specialist or Special Agent.
§ 53.92(b)(2)	Chief, Revenue Division.
§ 53.96(b)(4)	Chief, Revenue Division.
§ 53.115(b)	Chief, Revenue Division.
§ 53.132(c)(2)(ii)	Inspector, Specialist, or Special Agent.
§ 53.133(d)(3)	Inspector, Specialist, or Special Agent.
§ 53.134(d)(2)(ii)	Inspector, Specialist, or Special Agent.
§ 53.142(a)	Director of Industry Operations or Chief, National Revenue Center.
§ 53.151(b)(1)&(2)	Section Chief, National Revenue Center.
§ 53.155(a)&(b)	Section Chief, National Revenue Center.
§ 53.158(b)(1),(3), & (e)	Section Chief, National Revenue Center.
§ 53.159(d)(1)&(2)	Section Chief, National Revenue Center.
§ 53.172(a)(3)(ii)(A)&(B)	Chief, Revenue Division.
§ 53.172(b)(2)(iii)	Unit Supervisor, National Revenue Center.
§ 53.186(a)	Section Chief, National Revenue Center upon recommendation of Area Supervisor.

BILLING CODE 4810-31-P

ATF Organization



This is not a complete organizational chart of ATF

DEPARTMENT OF THE TREASURY**Office of Thrift Supervision****Proposed Agency Information
Collection Activities; Comment
Request**

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3507. The Office of Thrift Supervision within the Department of the Treasury will submit the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. Today, OTS is soliciting public comments on the proposal.

DATES: Submit written comments on or before September 25, 2001.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, FAX Number (202) 906-6518, or e-mail to infocollection.comments@ots.treas.gov.

Public Inspection: Comments and the related index will be posted on the OTS Internet Site at www.ots.treas.gov. In addition, interested persons may inspect comments at the Public Reference

Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906-5922, send an e-mail to, or send a facsimile transmission to (202) 906-7755. (Prior notice identifying the materials you will be requesting will assist us in serving you.) Appointments will be scheduled on business days between 10 a.m. and 4 p.m. In most cases, appointments will be available the next business day following the date we receive your request.

FOR FURTHER INFORMATION CONTACT: You can request additional information about this proposed information collection from John Davidson, Project Manager, Office of Supervision Policy, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906-7976.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Comments should address one or more of the following points:

a. Whether the proposed collection of information is necessary for the proper performance of the functions of OTS;

b. The accuracy of the OTS's estimate of the burden of the proposed information collection;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of the information collection on respondents, including through the use information technology.

We will summarize the comments that we receive and include them in the OTS request for OMB approval. All comments will become a matter of public record. In this notice, OTS is soliciting comments concerning the following information collection.

Title of Proposal: Procedures for Monitoring Bank Secrecy Act.

OMB Number: 1550-0041.

Form Number: N/A.

Description: This report enables OTS to determine whether a savings association has implemented a program reasonably designed to assure and monitor compliance with the currency recordkeeping and reporting requirements established by Federal Statute and the U.S. Department of Treasury regulations.

Type of Review: Renewal.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 1,057.

Estimated Frequency of Response: Annually.

Estimated Burden Hours per Response: 2.

Estimated Total Burden: 2,114.

Clearance Officer: Sally W. Watts, (202) 906-7380, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

OMB Reviewer: Alexander Hunt, (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: July 23, 2001.

Deborah Dakin,

Deputy Chief Counsel, Regulations & Legislation.

[FR Doc. 01-18700 Filed 7-26-01; 8:45 am]

BILLING CODE 6720-01-P



Federal Register

**Friday,
July 27, 2001**

Part II

Department of Defense General Services Administration

National Aeronautics and Space Administration

**48 CFR Parts 2 et al.
Federal Acquisition Regulation;
Geographic Use of the Term "United
States"; Proposed Rule**

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Parts 2, 3, 4, 5, 6, 8, 9, 14, 19, 22, 23, 25, 26, 28, 29, 31, 35, 36, 42, 47, 52, and 53

[FAR Case 1999–400]

RIN 9000–A199

**Federal Acquisition Regulation;
Geographic Use of the Term “United States”**

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) established this case to review and clarify the use of the term “United States” in the Federal Acquisition Regulation (FAR). The Councils are proposing to amend the FAR, in accordance with the new FAR Drafting Guide, to substitute more consistent terminology for the geographic application of FAR policies and procedures.

DATES: Interested parties should submit comments in writing on or before September 25, 2001 to be considered in the formulation of a final rule.

ADDRESSES: Submit written comments to: General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW, Room 4035, ATTN: Laurie Duarte, Washington, DC 20405

Submit electronic comments via the Internet to:

farcase.1999–400@gsa.gov

Please submit comments only and cite FAR case 1999–400 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, at (202) 501–4755 for information pertaining to status or publication schedules. For clarification of content, contact Ms. Cecelia Davis, Procurement Analyst, at (202) 219–0202. Please cite FAR case 1999–400.

SUPPLEMENTARY INFORMATION:

A. Background

This rule proposes to amend the FAR to clarify the use of the term “United States,” when used in a geographic

sense. The term “United States” is defined in FAR 2.101 to include the 50 States and the District of Columbia. Where a wider area of applicability is intended, the term is redefined in the appropriate part or subpart of the FAR, or supplemented by listing the additional areas of applicability each time the term is used. This rule corrects and updates references to the United States throughout the FAR by considering the statutory basis, if any, for the references, and the following issues:

1. There is no longer a Trust Territory of the Pacific Islands. This Trust was fully terminated October 1, 1994, resulting in the formation of the Republic of the Marshall Islands (October 21, 1986), the Federated States of Micronesia (November 3, 1986), and the Republic of Palau (October 1, 1994), that have Compacts of Free Association with the United States. Only the Commonwealth of the Northern Mariana Islands (November 3, 1986) is still under the sovereignty of the United States. Laws that applied within the former Trust Territories by virtue of the Trusteeship Agreement are no longer applicable to independent areas.

2. The meaning of the term “possessions” is no longer as encompassing as it used to be and should not include the various unincorporated territories and commonwealths. The rule removes the definition of “possessions” and adds a new definition of “outlying areas” at FAR 2.101 that includes the commonwealths of Puerto Rico and the Northern Mariana Islands, the territories of American Samoa, Guam, the U.S. Virgin Islands, and the minor outlying islands of the United States.

The Councils’ primary purpose in proposing these amendments is to clarify the use of the term “United States” in the FAR. However, in developing these amendments, it became clear that other changes should be made to improve the readability of the FAR and conform it to the new FAR Drafting Guide and the White House memorandum, Plain Language in Government Writing, dated June 1, 1998.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Councils do not expect this proposed rule to have a significant economic impact on a substantial

number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule primarily standardizes terminology and clarifies existing meaning. The Councils do not intend for the rule to make policy changes. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. The Councils will consider comments from small entities concerning the affected FAR Parts in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 1999–400), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 2, 3, 4, 5, 6, 8, 9, 14, 19, 22, 23, 25, 26, 28, 29, 31, 35, 36, 42, 47, 52, and 53:

Government procurement.

Dated: July 20, 2001.

Al Matera,

Director, Acquisition Policy Division.

Therefore, DoD, GSA, and NASA propose that 48 CFR parts 2, 3, 4, 5, 6, 8, 9, 14, 19, 22, 23, 25, 26, 28, 29, 31, 35, 36, 42, 47, 52, and 53 be amended as set forth below:

1. The authority citation for 48 CFR parts 2, 3, 4, 5, 6, 8, 9, 14, 19, 22, 23, 25, 26, 28, 29, 31, 35, 36, 42, 47, 52, and 53 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 2—DEFINITIONS OF WORDS AND TERMS

2. Amend section 2.101 by adding, in alphabetical order, the definitions “Contiguous United States (CONUS)”, “Customs territory of the United States”, and “Outlying areas”; and by removing the definition “Possessions.” The added text reads as follows:

2.101 Definitions.

* * * * *

Contiguous United States (CONUS) means the 48 contiguous States and the District of Columbia.

* * * * *

Customs territory of the United States means the 50 States, the District of Columbia, and Puerto Rico.

* * * * *

Outlying areas means—

- (1) *Commonwealths*. (i) Puerto Rico.
- (ii) The Northern Mariana Islands;
- (2) *Territories*. (i) American Samoa.
- (ii) Guam.
- (iii) U.S. Virgin Islands; and
- (3) *Minor outlying islands*. (i) Baker Island.
- (ii) Howland Island.
- (iii) Jarvis Island.
- (iv) Johnston Atoll.
- (v) Kingman Reef.
- (vi) Midway Islands.
- (vii) Navassa Island.
- (viii) Palmyra Atoll.
- (ix) Wake Atoll.

* * * * *

PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

3.303 [Amended]

3. Amend section 3.303 in paragraph (e) by removing the comma after the word “States” and adding “and its outlying areas,” in its place.

4. Amend section 3.801 by revising the definition “State” to read as follows:

3.801 Definitions.

* * * * *

State, as used in this section, means a State of the United States, the District of Columbia, an outlying area of the United States, an agency or instrumentality of a State, and multi-State, regional, or interstate entity having governmental duties and powers.

PART 4—ADMINISTRATIVE MATTERS

5. Amend section 4.603 in paragraph (a)(1) by removing “The contracting officer shall insert” and adding “Insert” in its place; and by revising paragraph (b) to read as follows:

4.603 Solicitation provisions.

* * * * *

(b) Insert the provision at 52.204–5, Women-Owned Business (Other Than Small Business), in solicitations that—

- (1) Are not set aside for small business concerns;
- (2) Exceed the simplified acquisition threshold; and
- (3) Are for contracts that will be performed in the United States or its outlying areas.

PART 5—PUBLICIZING CONTRACT ACTIONS

6. Amend section 5.202 by revising the first sentence of paragraph (a)(12) to read as follows:

5.202 Exceptions.

* * * * *

- (a) * * *

(12) The proposed contract action is by a Defense agency and the proposed contract action will be made and performed outside the United States and its outlying areas, and only local sources will be solicited. * * *

* * * * *

5.303 [Amended]

7. Amend section 5.303 in the first sentence of the introductory text of paragraph (a) by removing “shall” and adding “must” in its place; in paragraph (a)(2) by removing “or its possessions” and adding “and its outlying areas” in its place; and in the sentence following (a)(3) by removing “shall” and adding “must” in its place.

PART 6—COMPETITION REQUIREMENTS

8. Amend section 6.302–3 by revising paragraph (b)(1)(v) to read as follows:

6.302–3 Industrial mobilization; engineering, developmental, or research capability; or expert services.

* * * * *

- (b) * * *

- (1) * * *

(v) Create or maintain the required domestic capability for production of critical supplies by limiting competition to items manufactured in—

(A) The United States or its outlying areas; or

(B) The United States, its outlying areas, or Canada.

* * * * *

6.401 [Amended]

9. Amend section 6.401 in the first sentence of paragraph (b)(2) by removing “, its possessions, or Puerto Rico” and adding in its place “and its outlying areas”.

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

8.1100 [Amended]

10. Amend section 8.1100 by adding “and its outlying areas” to the end of the last sentence.

8.1104 [Amended]

11. Amend section 8.1104 in the introductory text by removing “The contracting officer shall insert” and adding in its place “Insert”; and in paragraph (d) by removing “(see 41 CFR 101–38.6)” and adding in its place “(see 41 CFR 101–38.2)”.

PART 9—CONTRACTOR QUALIFICATIONS

9.102 [Amended]

12. Amend section 9.102 in paragraph (a)(1) by removing “, its possessions, or

Puerto Rico” and adding in its place “or its outlying areas”.

13. Amend section 9.406–2 by—

a. Adding an introductory paragraph;

b. Revising the introductory text of paragraph (a) and paragraph (a)(4);

c. Revising the introductory text of paragraph (b)(1) and paragraph

(b)(1)(iii);

d. Removing from paragraph (b)(2) “The debarbing official may debar a” and adding in its place “A”; and

e. Revising paragraph (c) to read as follows:

9.406–2 Causes for debarment.

The debarbing official may debar—

(a) A contractor for a conviction of or civil judgment for—

* * * * *

(4) Intentionally affixing a label bearing a “Made in America” inscription (or any inscription having the same meaning) to a product sold in or shipped to the United States or its outlying areas, when the product was not made in the United States or its outlying areas (see Section 202 of the Defense Production Act (Pub. L. 102–558)); or

* * * * *

(b)(1) A contractor, based upon a preponderance of the evidence, for—

* * * * *

(iii) Intentionally affixing a label bearing a “Made in America” inscription (or any inscription having the same meaning) to a product sold in or shipped to the United States or its outlying areas, when the product was not made in the United States or its outlying areas (see Section 202 of the Defense Production Act (Pub. L. 102–558)).

* * * * *

(c) A contractor or subcontractor based on any other cause of so serious or compelling a nature that it affects the present responsibility of the contractor or subcontractor.

14. Amend section 9.407–2 by revising paragraph (a)(5) to read as follows:

9.407–2 Causes for suspension.

(a) * * *

(5) Intentionally affixing a label bearing a “Made in America” inscription (or any inscription having the same meaning) to a product sold in or shipped to the United States or its outlying areas, when the product was not made in the United States or its outlying areas (see Section 202 of the Defense Production Act (Pub. L. 102–558));

* * * * *

PART 14—SEALED BIDDING

15. Revise section 14.203–1 to read as follows:

14.203–1 Transmittal to prospective bidders.

Invitations for bids or presolicitation notices must be transmitted as specified in 14.205 and must be provided to others in accordance with 5.102. When a contracting office is located in the United States, any solicitation sent to a prospective bidder located outside the United States must be sent by electronic data interchange or air mail if security classification permits.

PART 19—SMALL BUSINESS PROGRAMS

16. Amend section 19.000 by revising paragraph (b) to read as follows:

19.000 Scope of part.

* * * * *

(b) This part, except for subpart 19.6, applies only in the United States or its outlying areas. Subpart 19.6 applies worldwide.

17. Amend section 19.001 by revising the definition “Concern” to read as follows:

19.001 Definitions.

Concern means any business entity organized for profit (even if its ownership is in the hands of a nonprofit entity) with a place of business located in the United States or its outlying areas and that makes a significant contribution to the U.S. economy through payment of taxes and/or use of American products, material and/or labor, etc. “Concern” includes but is not limited to an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of making affiliation findings (see 19.101), include any business entity, whether organized for profit or not, and any foreign business entity, *i.e.*, any entity located outside the United States and its outlying areas.

* * * * *

19.101 [Amended]

18. In section 19.101, amend the last sentence of the definition “Affiliates” by removing “inside the United States” and adding in its place “in the United States or its outlying areas”.

19. Amend section 19.102 by revising the introductory text of paragraph (f), (f)(1), and (f)(7) to read as follows:

19.102 Size standards.

* * * * *

(f) Any concern submitting a bid or offer in its own name, other than on a

construction or service contract, that proposes to furnish an end product it did not manufacture (a “nonmanufacturer”), is a small business if it has no more than 500 employees, and—

(1) Except as provided in paragraphs (f)(4) through (f)(7) of this section, in the case of Government acquisitions set aside for small businesses, furnishes in the performance of the contract, the product of a small business manufacturer or producer. The end product furnished must be manufactured or produced in the United States or its outlying areas. The term “nonmanufacturer” includes a concern that can, but elects not to, manufacture or produce the end product for the specific acquisition. For size determination purposes, there can be only one manufacturer of the end product being acquired. The manufacturer of the end product being acquired is the concern that, with its own forces, transforms inorganic or organic substances including raw materials and/or miscellaneous parts or components into the end product. However, see the limitations on subcontracting at 52.219–14 that apply to any small business offeror other than a nonmanufacturer for purposes of set-asides and 8(a) awards.

* * * * *

(7) The SBA provides for an exception to the nonmanufacturer rule if—

(i) The procurement of a manufactured end product processed under the procedures set forth in part 13—

(A) Is set aside for small business; and
(B) Is not anticipated to exceed \$25,000; and

(ii) The offeror supplies an end product that is manufactured or produced in the United States or its outlying areas.

* * * * *

20. Amend section 19.307 by revising paragraphs (a)(1) and (c) to read as follows:

19.307 Solicitation provisions.

(a)(1) Insert the provision at 52.219–1, Small Business Program Representations, in solicitations exceeding the micro-purchase threshold when the contract will be performed in the United States or its outlying areas.

* * * * *

(c) When contracting by sealed bidding, insert the provision at 52.219–2, Equal Low Bids, in solicitations and contracts when the contract will be performed in the United States or its outlying areas.

21. Amend section 19.702 by revising paragraph (b)(3) to read as follows:

19.702 Statutory requirements.

* * * * *

(b) * * *

(3) For contracts or contract modifications that will be performed entirely outside of the United States and its outlying areas; or

* * * * *

22. Amend section 19.708 by—

a. Revising the introductory text of paragraph (a) and (a)(2);

b. Removing from the first sentence of paragraph (b)(1) the words “The contracting officer shall, when contracting by negotiation, insert” and adding “Insert” in its place; and

c. Removing from paragraph (b)(2) “The contracting officer shall insert” and adding “Insert” in its place. The revised text reads as follows:

19.708 Contract clauses.

(a) Insert the clause at 52.219–8, Utilization of Small Business Concerns, in solicitations and contracts when the contract amount is expected to exceed the simplified acquisition threshold unless—

* * * * *

(2) The contract, together with all of its subcontracts, will be performed entirely outside of the United States and its outlying areas.

* * * * *

23. Amend section 19.1202–2 by revising paragraph (b)(4) to read as follows:

19.1202–2 Applicability.

* * * * *

(b) * * *

(4) Contract actions that will be performed entirely outside of the United States and its outlying areas.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**22.102–2 [Amended]**

24. Amend section 22.102–2 in the first sentence of paragraph (b) by adding “U.S.” before the word “Virgin”.

25. Amend section 22.103–1 by revising the introductory text of the definition “Normal workweek” to read as follows:

22.103–1 Definition.

Normal workweek, as used in this subpart, means, generally, a workweek of 40 hours. Outside the United States and its outlying areas, a workweek longer than 40 hours is considered normal if—

* * * * *

26. Amend section 22.202 by revising the introductory paragraph to read as follows:

22.202 Contract clause.

Insert the clause at 52.222–3, Convict Labor, in solicitations and contracts above the micro-purchase threshold, when the contract will be performed in the United States, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, or the U.S. Virgin Islands; unless—

* * * * *

27. Revise section 22.305 to read as follows:

22.305 Contract clause.

Insert the clause at 52.222–4, Contract Work Hours and Safety Standards Act—Overtime Compensation, in solicitations and contracts (including, for this purpose, basic ordering agreements) when the contract may require or involve the employment of laborers or mechanics. However, do not include the clause in solicitations and contracts—

(a) Valued at or below the simplified acquisition threshold;

(b) For commercial items;

(c) For transportation or the transmission of intelligence;

(d) To be performed outside the United States, Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, Johnston Island, Wake Island, and Outer Continental Shelf lands as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331) (29 CFR 5.15);

(e) For work to be done solely in accordance with the Walsh-Healey Public Contracts Act (see subpart 22.6);

(f) For supplies that include incidental services that do not require substantial employment of laborers or mechanics; or

(g) Exempt under regulations of the Secretary of Labor (29 CFR 5.15).

28. Revise section 22.603 to read as follows:

22.603 Applicability.

The requirements in 22.602 apply to contracts (including for this purpose, indefinite-delivery contracts, basic ordering agreements, and blanket purchase agreements) and subcontracts under Section 8(a) of the Small Business Act, for the manufacture or furnishing of supplies that—

(a) Will be performed in the United States, Puerto Rico, or the U.S. Virgin Islands;

(b) Exceed or may exceed \$10,000; and

(c) Are not exempt under 22.604.

29. Amend section 22.604–2 by revising paragraph (a)(2) to read as follows:

22.604–2 Regulatory exemptions.

(a) * * *

(2) Supplies manufactured outside the United States, Puerto Rico, and the U.S. Virgin Islands.

* * * * *

30. Amend section 22.801 by revising the definition “United States” to read as follows:

22.801 Definitions.

* * * * *

United States means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, and Wake Island.

31. Amend section 22.1001 by revising the definition “United States” to read as follows:

22.1001 Definitions.

* * * * *

United States means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, Johnston Island, Wake Island, and Outer Continental Shelf lands as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331, *et seq.*), but does not include any other place subject to U.S. jurisdiction or any U.S. base or possession in a foreign country (29 CFR 4.112).

* * * * *

32. Amend section 22.1408 by revising the introductory text of paragraph (a) and (a)(1) to read as follows:

22.1408 Contract clause.

(a) Insert the clause at 52.222–36, Affirmative Action for Workers with Disabilities, in solicitations and contracts that exceed or are expected to exceed \$10,000, except when—

(1) Both the performance of the work and the recruitment of workers will occur outside the United States, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, and Wake Island; or

* * * * *

PART 23—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

33. Amend section 23.501 by revising the introductory paragraph and paragraphs (a), (b), (c), and (d) to read as follows:

23.501 Applicability.

This subpart applies to contracts, including contracts with 8(a) contractors under FAR subpart 19.8 and modifications that require a justification and approval (see subpart 6.3), except contracts—

(a) At or below the simplified acquisition threshold; however, the requirements of this subpart apply to all contracts of any value awarded to an individual;

(b) For the acquisition of commercial items (see Part 12);

(c) Performed outside the United States and its outlying areas or any part of a contract performed outside the United States and its outlying areas;

(d) By law enforcement agencies, if the head of the law enforcement agency or designee involved determines that application of this subpart would be inappropriate in connection with the law enforcement agency's undercover operations; or

* * * * *

34. Revise section 23.505 to read as follows:

23.505 Contract clause.

Except as provided in 23.501, insert the clause at 52.223–6, Drug-Free Workplace, in solicitations and contracts.

35. Amend section 23.804 by revising the introductory paragraph; and in paragraph (a) by removing the period at the end of the paragraph and inserting “; or” in its place. The revised text reads as follows:

23.804 Contract clauses.

Except for contracts that will be performed outside the United States and its outlying areas, insert the clause at—

* * * * *

36. Amend section 23.903 by revising paragraph (b)(2) to read as follows:

23.903 Applicability.

* * * * *

(b) * * *

(2) Contractor facilities located outside the United States and its outlying areas.

37. Amend section 23.906 by revising paragraph (a)(2)(v) to read as follows:

23.906 Requirements.

(a) * * *

(2) * * *

(v) Are not located in the United States and its outlying areas.

* * * * *

38. Revise section 23.1002 to read as follows:

23.1002 Applicability.

The requirements of this subpart apply to facilities owned or operated by an agency in the customs territory of the United States.

PART 25—FOREIGN ACQUISITION

39. Amend section 25.003 by removing the definition

“Customs territory of the United States” and revising the definition “United States” to read as follows:

25.003 Definitions.

* * * * *

United States means the 50 States, the District of Columbia, and outlying areas.

* * * * *

PART 26—OTHER SOCIO-ECONOMIC PROGRAMS

40. Amend section 26.300 by revising paragraph (b) to read as follows:

26.300 Scope of subpart.

* * * * *

(b) This subpart does not pertain to contracts performed entirely outside the United States and its outlying areas.

PART 28—BONDS AND INSURANCE

28.202 [Amended]

41. Amend section 28.202 in paragraph (a)(1) by removing “, its possessions, or Puerto Rico” and adding “or its outlying areas” in its place.

42. Amend section 28.203–2 by revising the first sentence of paragraph (b)(4) and paragraph (c)(3)(i) to read as follows:

28.203–2 Acceptability of assets.

* * * * *

(b) * * *

(4) Real property owned in fee simple by the surety without any form of concurrent ownership, except as provided in paragraph (c)(3)(iii) of this subsection, and located in the United States or its outlying areas. * * *

* * * * *

(c) * * *

(3) * * *

(i) Real property located outside the United States and its outlying areas.

* * * * *

28.301 [Amended]

43. Amend section 28.301—

a. In the introductory paragraph by removing “shall be required to” and adding “must” in its place; and

b. In the third sentence of paragraph (b) by removing “, its possessions, and Puerto Rico” and adding “and its outlying areas” in its place; and in the fourth sentence by removing “shall” and adding “must” in its place.

44. Amend section 28.310 by revising the introductory text of paragraph (a) and paragraph (a)(2) to read as follows:

28.310 Contract clause for work on a Government installation.

(a) Insert the clause at 52.228–5, Insurance—Work on a Government Installation, in solicitations and

contracts if a fixed-price contract is contemplated, the contract amount is expected to exceed the simplified acquisition threshold, and the contract will require work on a Government installation, unless—

* * * * *

(2) All work on the Government installation will be performed outside the United States and its outlying areas.

* * * * *

PART 29—TAXES

45. Amend section 29.202 by revising paragraph (b) to read as follows:

29.202 General exemptions.

* * * * *

(b) Shipment for export to a foreign country or an outlying area of the United States. Shipment must occur within 6 months of the time title passes to the Government. When the exemption is claimed, the words “for export” must appear on the contract or purchase document, and the contracting officer must furnish the seller proof of export (see 26 CFR 48.4221–3).

* * * * *

46. Revise section 29.401–1 to read as follows:

29.401–1 Indefinite-delivery contracts for leased equipment.

Insert the clause at 52.229–1, State and Local Taxes, in solicitations and contracts for leased equipment when—

(a) A fixed-price indefinite-delivery contract is contemplated;

(b) The contract will be performed wholly or partly in the United States or its outlying areas; and

(c) The place or places of delivery are not known at the time of contracting.

47. Revise sections 29.401–3, 29.401–4, and 29.401–5 to read as follows:

29.401–3 Competitive contracts.

Insert the clause at 52.229–3, Federal, State, and Local Taxes, in solicitations and contracts if the anticipated contract will be a fixed-price contract exceeding the simplified acquisition threshold and performed wholly or partly in the United States or its outlying areas, unless the clause at 52.229–4, Federal, State, and Local Taxes (Noncompetitive Contract), is included in the contract.

29.401–4 Noncompetitive contracts.

Insert the clause at 52.229–4, Federal, State, and Local Taxes (Noncompetitive Contract), in fixed-price noncompetitive contracts when the contract exceeds the simplified acquisition threshold and will be performed wholly or partly in the United States or its outlying areas when satisfied that the contract price does not include contingencies for State

and local taxes, and that, unless the clause is used, the contract price will include such contingencies.

29.401–5 Contracts performed in U.S. outlying areas.

Insert the clause at 52.229–5, Taxes—Contracts Performed in U.S. Outlying Areas, in solicitations and contracts that include the clause at 52.229–3, Federal, State, and Local Taxes, or 52.229–4, Federal, State, and Local Taxes (Noncompetitive Contract).

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

31.205–46 [Amended]

48. Amend section 31.205–46 in paragraph (a)(2)(i) by removing “conterminous 48” and adding “contiguous” in its place; and in (a)(2)(ii) by removing “The Commonwealth of Puerto Rico, and territories and possessions” and adding “and outlying areas” in its place.

PART 35—RESEARCH AND DEVELOPMENT CONTRACTING

49. Amend section 35.014 by revising paragraph (d)(1) to read as follows:

35.014 Government property and title.

* * * * *

(d)(1) Vesting title under paragraph (b) of this section is subject to civil rights legislation, 42 U.S.C. 2000d. Before vesting title, the contractor must agree that no person in the United States or its outlying areas will be denied, on the ground of race, color, or national origin, be excluded from participation in, the benefits of, or be otherwise subjected to discrimination under this contemplated financial assistance (title to equipment).

* * * * *

PART 36—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

50. Amend section 36.103 by revising paragraph (a) to read as follows:

36.103 Methods of contracting.

(a) The contracting officer must use sealed bid procedures for a construction contract if the conditions in 6.401(a) apply, unless the contract will be performed outside the United States and its outlying areas. (See 6.401(b)(2).)

* * * * *

51. Revise section 36.609–4 to read as follows:

36.609–4 Requirements for registration of designers.

Insert the clause at 52.236–25, Requirements for Registration of Designers, in architect-engineer

contracts, except that it may be omitted when the design will be performed—

(a) Outside the United States and its outlying areas; or

(b) In a State or outlying area of the United States that does not have registration requirements for the particular field involved.

52. Amend section 36.702 by revising paragraph (a) to read as follows:

36.702 Forms for use in contracting for architect-engineer services.

(a) Contracting officers must use Standard Form 252, Architect-Engineer Contract, to award fixed-price contracts for architect-engineer services when the services will be performed in the United States or its outlying areas.

* * * * *

PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES

53. Amend section 42.1404–1 by revising paragraph (c) to read as follows:

42.1404–1 Parcel post eligible shipments.

* * * * *

(c)(1) When a contractor uses its own label to ship to a post office servicing military and other agency consignees outside the customs territory of the United States, the contractor must stamp or imprint the parcel immediately above the label in ¼-inch block letters with the—

(i) Name of the agency; and
(ii) Words “Official Mail—Contents for Official Use—Exempt from Customs Requirements.”

(2) This marking permits identification and expedites handling within the postal system, but the contractor must pay postage if—

(i) Required by the contract; or
(ii) The contract provides for reimbursement for the cost of postage.

* * * * *

PART 47—TRANSPORTATION

47.001 [Amended]

54. Amend section 47.001 by removing the definition “CONUS or Continental United States”.

47.304–1 [Amended]

55. Amend section 47.304–1 in paragraphs (g)(1) and (g)(2) by removing “the continental United States” and adding “CONUS” in their place.

47.304–3 [Amended]

56. Amend section 47.304–3 in the introductory text of paragraph (a) by removing “the United States” and adding “CONUS” in its place.

57. Amend section 47.401 by revising the definitions “United States” and “U.S.-flag air carrier” to read as follows:

47.401 Definitions.

* * * * *

United States means the 50 States, the District of Columbia, and outlying areas of the United States.

U.S.-flag air carrier means an air carrier holding a certificate under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 41102).

58. Revise section 47.402 to read as follows:

47.402 Policy.

Federal employees and their dependents, consultants, contractors, grantees, and others must use U.S.-flag air carriers for U.S. Government-financed international air travel and transportation of their personal effects or property, if available (Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118) (Fly America Act)).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

59. Amend section 52.203–12 by revising the date of the clause; and in paragraph (a) by revising the definition “State” to read as follows:

52.203–12 Limitation on Payments to Influence Certain Federal Transactions.

* * * * *

LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (DATE)

(a) * * *

State, as used in this clause, means a State of the United States, the District of Columbia, or an outlying area of the United States, an agency or instrumentality of a State, and multi-State, regional, or interstate entity having governmental duties and powers.

* * * * *

60. Amend section 52.212–3 by revising the date of the provision, the introductory text of paragraph (c), (f)(1), and (g)(1)(i) to read as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

* * * * *

OFFEROR REPRESENTATIONS AND CERTIFICATIONS—COMMERCIAL ITEMS (DATE)

* * * * *

(c) Offerors must complete the following representations when the resulting contract will be performed in the United States or its outlying areas. Check all that apply.

* * * * *

(f) * * *

(1) The offeror certifies that each end product, except those listed in paragraph

(f)(2) of this provision, is a domestic end product and that the offeror has considered components of unknown origin to have been mined, produced, or manufactured outside the United States. The offeror shall list as foreign end products those end products manufactured in the United States that do not qualify as domestic end products. The terms “component,” “domestic end product,” “end product,” “foreign end product,” and “United States” are defined in the clause of this solicitation entitled “Buy American Act—Balance of Payments Program—Supplies.”

* * * * *

(g)(1) * * *

(i) The offeror certifies that each end product, except those listed in paragraph (g)(1)(ii) or (g)(1)(iii) of this provision, is a domestic end product and that the offeror has considered components of unknown origin to have been mined, produced, or manufactured outside the United States. The terms “component,” “domestic end product,” “end product,” “foreign end product,” and “United States” are defined in the clause of this solicitation entitled “Buy American Act—North American Free Trade Agreement—Israeli Trade Act—Balance of Payments Program.”

* * * * *

61. Amend section 52.213–4 by revising the date of the clause, paragraph (b)(1)(i), and the introductory text of paragraph (b)(1)(ix) to read as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).

* * * * *

TERMS AND CONDITIONS—SIMPLIFIED ACQUISITIONS (OTHER THAN COMMERCIAL ITEMS) (DATE)

* * * * *

(b) * * *

(1) * * *

(i) 52.222–20, Walsh-Healey Public Contracts Act (Dec 1996) (41 U.S.C. 35–45) (Applies to supply contracts over \$10,000 in the United States, Puerto Rico, or the U.S. Virgin Islands).

* * * * *

(ix) 52.225–1, Buy American Act—Balance of Payments Program—Supplies (Date) (41 U.S.C. 10a–10d) (Applies to contracts for supplies, and to contracts for services involving the furnishing of supplies, for use in the United States or its outlying areas, if the value of the supply contract or supply portion of a service contract exceeds the micro-purchase threshold and the acquisition—

* * * * *

62. Amend section 52.219–5 by revising the date of the clause, paragraph (c), and Alternate II to read as follows:

52.219–5 Very Small Business Set-Aside.

* * * * *

VERY SMALL BUSINESS SET-ASIDE
(DATE)

* * * * *

(c) *Agreement.* A very small business concern submitting an offer in its own name shall furnish, in performing the contract, only end items manufactured or produced by small business concerns in the United States or its outlying areas.

(End of clause)

* * * * *

Alternate II (Date). As prescribed in 19.905(b), substitute the following paragraph (c) for paragraph (c) of the basic clause:

(c) *Agreement.* A very small business concern submitting an offer in its own name shall furnish, in performing the contract, only end items manufactured or produced by domestic firms in the United States or its outlying areas.

63. Amend section 52.219-6 by revising the date of the clause and paragraph (c) to read as follows:

52.219-6 Notice of Total Small Business Set-Aside.

* * * * *

NOTICE OF TOTAL SMALL BUSINESS
SET-ASIDE (DATE)

* * * * *

(c) *Agreement.* A small business concern submitting an offer in its own name shall furnish, in performing the contract, only end items manufactured or produced by small business concerns in the United States or its outlying areas. If this procurement is processed under simplified acquisition procedures and the total amount of this contract does not exceed \$25,000, a small business concern may furnish the product of any domestic firm. This paragraph does not apply to construction or service contracts.

(End of clause)

* * * * *

64. Amend section 52.219-7 by revising the date of the clause and paragraph (c) to read as follows:

52.219-7 Notice of Partial Small Business Set-Aside.

* * * * *

NOTICE OF PARTIAL SMALL BUSINESS
SET-ASIDE (DATE)

* * * * *

(c) *Agreement.* For the set-aside portion of the acquisition, a small business concern submitting an offer in its own name shall furnish, in performing the contract, only end items manufactured or produced by small business concerns in the United States or its outlying areas. If this procurement is processed under simplified acquisition procedures and the total amount of this contract does not exceed \$25,000, a small business concern may furnish the product of any domestic firm. This paragraph does not apply to construction or service contracts.

(End of clause)

* * * * *

65. Amend section 52.219-18 by revising the date of clause and paragraph (d)(1) to read as follows:

52.219-18 Notification of Competition Limited to Eligible 8(a) Concerns.

* * * * *

NOTIFICATION OF COMPETITION
LIMITED TO ELIGIBLE 8(a) CONCERNS
(DATE)

* * * * *

(d)(1) *Agreement.* A small business concern submitting an offer in its own name shall furnish, in performing the contract, only end items manufactured or produced by small business concerns in the United States or its outlying areas. If this procurement is processed under simplified acquisition procedures and the total amount of this contract does not exceed \$25,000, a small business concern may furnish the product of any domestic firm. This paragraph does not apply to construction or service contracts.

* * * * *

66. Amend section 52.219-23 by revising the date of clause; in paragraph (a) by removing the definition "United States"; and by revising paragraph (d)(2) and Alternate I to read as follows:

52.219-23 Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns.

* * * * *

NOTICE OF PRICE EVALUATION
ADJUSTMENT FOR SMALL
DISADVANTAGED BUSINESS CONCERNS
(DATE)

(d) * * *

(2) A small disadvantaged business concern submitting an offer in its own name shall furnish in performing this contract only end items manufactured or produced by small disadvantaged business concerns in the United States or its outlying areas. This paragraph does not apply to construction or services contracts.

(End of clause)

Alternate I (Date). As prescribed in 19.1104, substitute the following paragraph (d)(2) for paragraph (d)(2) of the basic clause:

(2) A small disadvantaged business concern submitting an offer in its own name shall furnish in performing this contract only end items manufactured or produced by small business concerns in the United States or its outlying areas. This paragraph does not apply to construction or service contracts.

* * * * *

67. Revise section 52.222-3 to read as follows:

52.222-3 Convict Labor.

As prescribed in 22.202, insert the following clause:

CONVICT LABOR (DATE)

(a) Except as provided in paragraph (b) of this clause, the Contractor shall not employ in the performance of this contract any

person undergoing a sentence of imprisonment imposed by any court of a State, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, or the U.S. Virgin Islands.

(b) The Contractor is not prohibited from employing persons—

(1) On parole or probation to work at paid employment during the term of their sentence;

(2) Who have been pardoned or who have served their terms; or

(3) Confined for violation of the laws of any of the States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, or the U.S. Virgin Islands who are authorized to work at paid employment in the community under the laws of such jurisdiction, if—

(i) The worker is paid or is in an approved work training program on a voluntary basis;

(ii) Representatives of local union central bodies or similar labor union organizations have been consulted;

(iii) Such paid employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services;

(iv) The rates of pay and other conditions of employment will not be less than those paid or provided for work of a similar nature in the locality in which the work is being performed; and

(v) The Attorney General of the United States has certified that the work-release laws or regulations of the jurisdiction involved are in conformity with the requirements of Executive Order 11755, as amended by Executive Orders 12608 and 12943.

(End of clause)

68. Revise section 52.222-29 to read as follows:

52.222-29 Notification of Visa Denial.

As prescribed in 22.810(g), insert the following clause:

NOTIFICATION OF VISA DENIAL (DATE)

It is a violation of Executive Order 11246 for a Contractor to refuse to employ any applicant or not to assign any person hired in the United States, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, or Wake Island on the basis that the individual's race, color, religion, sex, or national origin is not compatible with the policies of the country where or for whom the work will be performed (41 CFR 60-1.10). The Contractor shall notify the U.S. Department of State, Assistant Secretary, Bureau of Political-Military Affairs (PM), 2201 C Street NW, Room 7325, Washington, DC 20520, and the U.S. Department of Labor, Deputy Assistant Secretary for Federal Contract Compliance, when it is unable to obtain an entry visa for any employee or potential employee to a country where this contract will be performed, and it believes the denial is attributable to the race, color, religion, sex, or national origin of the employee or potential employee.

(End of clause)

69. Amend section 52.223-13 by revising the date of the provision; and by revising paragraph (b)(2)(v) of the provision to read as follows:

52.223-13 Certification of Toxic Chemical Release Reporting.

* * * * *

CERTIFICATION OF TOXIC CHEMICAL RELEASE REPORTING (DATE)

* * * * *

(b) * * *

(2) * * *

(v) The facility is not located in the United States or its outlying areas.

(End of provision)

70. Amend section 52.223-14 by revising the date of the clause; and by revising the introductory text of paragraph (b) and (b)(5) to read as follows:

52.223-14 Toxic Chemical Release Reporting.

* * * * *

TOXIC CHEMICAL RELEASE REPORTING (DATE)

* * * * *

(b) A Contractor-owned or -operated facility used in the performance of this contract is exempt from the requirement to file an annual Form R if—

* * * * *

(5) The facility is not located in the United States or its outlying areas.

* * * * *

71. Amend section 52.225-1 by revising the date of the clause; and in paragraph (a) by revising the definition “United States” to read as follows:

52.225-1 Buy American Act—Balance of Payments Program—Supplies.

* * * * *

BUY AMERICAN ACT—BALANCE OF PAYMENTS PROGRAM—SUPPLIES (DATE)

(a) * * *

United States means the 50 States, the District of Columbia, and outlying areas.

* * * * *

72. Amend section 52.225-2 by revising the date of the provision and paragraph (a) to read as follows:

52.225-2 Buy American Act—Balance of Payments Program Certificate.

* * * * *

BUY AMERICAN ACT—BALANCE OF PAYMENTS PROGRAM CERTIFICATE (DATE)

(a) The offeror certifies that each end product, except those listed in paragraph (b) of this provision, is a domestic end product and that the offeror has considered components of unknown origin to have been mined, produced, or manufactured outside

the United States. The offeror shall list as foreign end products those end products manufactured in the United States that do not qualify as domestic end products. The terms “component,” “domestic end product,” “end product,” “foreign end product,” and “United States” are defined in the clause of this solicitation entitled “Buy American Act—Balance of Payments Program—Supplies.”

* * * * *

73. Amend section 52.225-3 by revising the date of the clause; and in paragraph (a) by revising the definition “United States” to read as follows:

52.225-3 Buy American Act—North American Free Trade Agreement—Israeli Trade Act—Balance of Payments Program.

* * * * *

BUY AMERICAN ACT—NORTH AMERICAN FREE TRADE AGREEMENT—ISRAELI TRADE ACT—BALANCE OF PAYMENTS PROGRAM (DATE)

(a) * * *

United States means the 50 States, the District of Columbia, and outlying areas.

* * * * *

74. Amend section 52.225-4 by revising the date of the provision and paragraph (a) to read as follows:

52.225-4 Buy American Act—North American Free Trade Agreement—Israeli Trade Act—Balance of Payments Program Certificate.

* * * * *

BUY AMERICAN ACT—NORTH AMERICAN FREE TRADE AGREEMENT—ISRAELI TRADE ACT—BALANCE OF PAYMENTS PROGRAM CERTIFICATE (DATE)

(a) The offeror certifies that each end product, except those listed in paragraph (b) or (c) of this provision, is a domestic end product and that the offeror has considered components of unknown origin to have been mined, produced, or manufactured outside the United States. The terms “component,” “domestic end product,” “end product,” “foreign end product,” and “United States” are defined in the clause of this solicitation entitled “Buy American Act—North American Free Trade Agreement—Israeli Trade Act—Balance of Payments Program—Supplies.”

* * * * *

75. Amend section 52.225-5 by revising the date of the clause; and in paragraph (a) by revising the definition “United States” to read as follows:

52.225-5 Trade Agreements.

* * * * *

TRADE AGREEMENTS (DATE)

(a) * * *

United States means the 50 States, the District of Columbia, and outlying areas.

* * * * *

76. Amend section 52.225-9 by revising the date of the clause; and in

paragraph (a) by revising the definition “United States” to read as follows:

52.225-9 Buy American Act—Balance of Payments Program—Construction Materials.

* * * * *

BUY AMERICAN ACT—BALANCE OF PAYMENTS PROGRAM—CONSTRUCTION MATERIALS (DATE)

(a) * * *

United States means the 50 States, the District of Columbia, and outlying areas.

* * * * *

77. Amend section 52.225-11 by revising the date of the clause; and in paragraph (a) by revising the definition “United States” to read as follows:

52.225-11 Buy American Act—Balance of Payments Program—Construction Materials under Trade Agreements.

* * * * *

BUY AMERICAN ACT—BALANCE OF PAYMENTS PROGRAM—CONSTRUCTION MATERIALS UNDER TRADE AGREEMENTS (DATE)

(a) * * *

United States means the 50 States, the District of Columbia, and outlying areas.

* * * * *

52.225-13 [Amended]

78. Amend section 52.225-13 by revising the date of the clause to read “(Date)”; and in the first sentence of paragraph (a) by adding “and its outlying areas” after the word “States”.

79. Amend section 52.228-3 by revising the introductory paragraph to read as follows:

52.228-3 Workers’ Compensation Insurance (Defense Base Act).

As prescribed in 28.309(a), insert the following clause:

* * * * *

80. Amend section 52.228-4 by revising the introductory paragraph to read as follows:

52.228-4 Workers’ Compensation and War-Hazard Insurance Overseas. As prescribed in 28.309(b), insert the following clause:

* * * * *

81. Amend section 52.229-1 by revising the introductory paragraph to read as follows:

52.229-1 State and Local Taxes.

As prescribed in 29.401-1, insert the following clause:

* * * * *

82. Revise the section heading and text of 52.229-5 to read as follows:

52.229-5 Taxes—Contracts Performed in U.S. Outlying Areas.

As prescribed in 29.401-5, insert the following clause:

TAXES—CONTRACTS PERFORMED IN U.S. OUTLYING AREAS (DATE)

The term “local taxes,” as used in the Federal, State, and local taxes clause of this contract, includes taxes imposed by an outlying area of the United States.

(End of clause)

83. Amend section 52.229–6 by—

- a. Revising the date of the clause;
- b. Removing paragraph (a);
- c. Redesignating paragraph (b) as paragraph (a) and adding introductory text;
- d. Removing “, as used in this clause,” from the definition “Contract date” in newly designated paragraph (a);
- e. Revising the definition “Country concerned”;
- f. Removing “, as used in this clause,” from the definitions “Tax” and “taxes”, “All applicable taxes and duties”, “After-imposed tax”, “After-relieved tax”, and “Excepted tax”;
- g. Adding a new paragraph (b) to read as follows:

52.229–6 Taxes—Foreign Fixed-Price Contracts.

* * * * *

TAXES—FOREIGN FIXED-PRICE CONTRACTS (DATE)

(a) *Definitions.* As used in this clause:

* * * * *

Country concerned means any country, other than the United States and its outlying areas, in which expenditures under this contract are made.

* * * * *

(b) To the extent that this contract provides for furnishing supplies or performing services outside the United States and its outlying areas, this clause applies in lieu of any Federal, State, and local taxes clause of the contract.

* * * * *

84. Revise section 52.236–25 to read as follows:

52.236–25 Requirements for Registration of Designers.

As prescribed in 36.609–4, insert the following clause:

REQUIREMENTS FOR REGISTRATION OF DESIGNERS (DATE)

Architects or engineers registered to practice in the particular professional field involved in a State, the District of Columbia, or an outlying area of the United States shall prepare or review and approve the design of architectural, structural, mechanical, electrical, civil, or other engineering features of the work.

(End of clause)

85. Revise section 52.242–12 to read as follows:

52.242–12 Report of Shipment (REPSHIP).

As prescribed in 42.1406–2, insert the following clause:

REPORT OF SHIPMENT (REPSHIP) (DATE)

(a) *Definition.* Domestic destination, as used in this clause, means—

(1) A destination within the contiguous United States; or

(2) If shipment originates in Alaska or Hawaii, a destination in Alaska or Hawaii, respectively.

(b) Unless otherwise directed by the Contracting Officer, the Contractor shall—

(1) Send a prepaid notice of shipment to the consignee transportation officer—

(i) For all shipments of—

(A) Classified material, protected sensitive, and protected controlled material;

(B) Explosives and poisons, classes A and B;

(C) Radioactive materials requiring the use of a III bar label; or

(ii) When a truckload/carload shipment of supplies weighing 20,000 pounds or more, or a shipment of less weight that occupies the full visible capacity of a railway car or motor vehicle, is given to any carrier (common, contract or private) for transportation to a domestic destination (other than a port for export);

(2) Transmit the notice by rapid means to be received by the consignee transportation officer at least 24 hours before the arrival of the shipment; and

(3) Send, to the receiving transportation officer, the Government bill of lading, commercial bill of lading or letter or other document containing the following information and prominently identified as a “Report of Shipment” or “REPSHIP FOR T.O.”

Message Example:

REPSHIP FOR T.O. 81 JUN 01
TRANSPORTATION OFFICER
DEFENSE DEPOT, MEMPHIS, TENN.
SHIPPED YOUR DEPOT 1981 JUN 1 540
CTNS MENS COTTON TROUSERS, 30,240
LB, 1782 CUBE, VIA XX-YY*
IN CAR NO. XX 123456* * -GBL* * * *
C98000031 * * * * CONTRACT
DLA
ETA* * * * * -JUNE 5 JONES & CO.,
JERSEY CITY, N.J.

* Name of rail carrier, trucker, or other carrier.

* * Vehicle identification.

* * * Government bill of lading.

* * * * If not shipped by GBL, identify lading document and state whether paid by contractor.

* * * * * Estimated time of arrival.

(End of clause)

86. Revise section 52.247–47 to read as follows:

52.247–47 Evaluation—F.o.b. Origin.

As prescribed in 47.305–3(f)(2), insert the following provision. When it is appropriate to use methods other than land transportation in evaluating offers; e.g., air, pipeline, barge, or ocean tanker, modify the provision accordingly.

EVALUATION—F.O.B. ORIGIN (DATE)

(a) The Government normally uses land methods of transportation by regulated

common carrier for shipment within the contiguous United States.

(b) To evaluate offers, the Government will consider only these methods to establish the cost of transportation between offeror's shipping point and destination (tentative or firm, whichever is applicable) in the contiguous United States.

(c) This transportation cost will be added to the offer price to determine the Government's overall cost.

(d) When tentative destinations are indicated, the Government will use them only for evaluation purposes. The Government has the right to use any other means of transportation or any other destination at the time of shipment.

(End of provision)

87. Amend section 52.247–55 by revising the introductory paragraph, the date of the clause, and paragraphs (a) and

(b) of the clause to read as follows:

52.247–55 F.o.b. Point for Delivery of Government-Furnished Property.

As prescribed in 47.305–12(a)(2), insert the following clause:

F.O.B. POINT FOR DELIVERY OF GOVERNMENT-FURNISHED PROPERTY (DATE)

(a) Unless otherwise specified in this solicitation, the Government will deliver any Government-furnished property for use within the contiguous United States or Canada to a point specified by the Contractor in the offer. If the Government makes delivery by railroad, the f.o.b. point will be private siding, Contractor's plant. If the Contractor's plant is not served by rail, the f.o.b. point will be railroad cars in the same or nearest city having rail service. The Government may choose the mode of transportation and the carriers and will bear the cost of all line-haul transportation to the specified destination.

(b) If the destination of the Government-furnished property is a Contractor's plant located outside the contiguous United States or Canada, the f.o.b. point for Government delivery of Government-furnished property will be a Contractor specified location in the contiguous United States. If the Contractor fails to name a point, the Government will select as the f.o.b. point the port city in the contiguous United States nearest to the Government-furnished property that has regular commercial water transportation services to the offshore port nearest the Contractor's plant.

* * * * *

88. Amend section 52.247–63 by revising the date of the clause and paragraphs (a) and (c) to read as follows:

52.247–63 Preference for U.S.-Flag Air Carriers.

* * * * *

PREFERENCE FOR U.S.-FLAG AIR CARRIERS (DATE)

(a) *Definitions.* As used in this clause—

International air transportation means transportation by air between a place in the United States and a place outside the United States or between two places both of which are outside the United States.

United States means the 50 States, the District of Columbia, and outlying areas.

U.S.-flag air carrier means an air carrier holding a certificate under 49 U.S.C. Chapter 411.

* * * * *

(c) If available, the Contractor, in performing work under this contract, shall use U.S.-flag carriers for international air transportation of personnel (and their personal effects) or property.

* * * * *

PART 53—FORMS

53.219 [Amended]

89. Amend section 53.219 in paragraphs (a) and (b) by removing “(Rev. 12/98)” and adding “(Rev. Date)” in their place.

53.228 [Amended]

90. Amend section 53.228 in paragraph (e) by removing “(Rev. 6/96)” and adding “(Rev. Date)” in its place.

91. Revise section 53.301–28 to read as follows:

53.301–28 Affidavit of Individual Surety.

[Insert SF 28 here (front and back)]

92. Revise section 53.301–294 to read as follows:

53.301–294 Subcontracting Report for Individual Contracts.

[Insert SF 294 here (front and back)]

93. Revise section 53.301–295 to read as follows:

53.301–295 Summary Subcontract Report.

[Insert SF 295 here (front and back)]

DRAFT**AFFIDAVIT OF INDIVIDUAL SURETY**
(See instructions on reverse)

OMB No.: 9000-0001

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.

STATE OF

COUNTY OF

SS.

I, the undersigned, being duly sworn, depose and say that I am: (1) the surety to the attached bond(s); (2) a citizen of the United States; and of full age and legally competent. I also depose and say that, concerning any stocks or bonds included in the assets listed below, that there are no restrictions on the resale of these securities pursuant to the registration provisions of Section 5 of the Securities Act of 1933. I recognize that statements contained herein concern a matter within the jurisdiction of an agency of the United States and the making of a false, fictitious or fraudulent statement may render the maker subject to prosecution under Title 18, United States Code Sections 1001 and 494. This affidavit is made to induce the United States of America to accept me as surety on the attached bond.

1. NAME (First, Middle, Last) (Type or Print)

2. HOME ADDRESS (Number, Street, City, State, ZIP code)

3. TYPE AND DURATION OF OCCUPATION

4. NAME AND ADDRESS OF EMPLOYER (If Self-employed, so State)

5. NAME AND ADDRESS OF INDIVIDUAL SURETY BROKER USED (If any)
(Number, Street, City, State, ZIP Code)

6. TELEPHONE NUMBER

HOME -

BUSINESS -

7. THE FOLLOWING IS A TRUE REPRESENTATION OF THE ASSETS I HAVE PLEDGED TO THE UNITED STATES IN SUPPORT OF THE ATTACHED BOND:

(a) Real estate (Include a legal description, street address and other identifying description; the market value; attach supporting certified documents including recorded lien; evidence of title and the current tax assessment of the property. For market value approach, also provide a current appraisal.)

(b) Assets other than real estate (describe the assets, the details of the escrow account, and attach certified evidence thereof).

8. IDENTIFY ALL MORTGAGES, LIENS, JUDGEMENTS, OR ANY OTHER ENCUMBRANCES INVOLVING SUBJECT ASSETS INCLUDING REAL ESTATE TAXES DUE AND PAYABLE.

9. IDENTIFY ALL BONDS, INCLUDING BID GUARANTEES, FOR WHICH THE SUBJECT ASSETS HAVE BEEN PLEDGED WITHIN 3 YEARS PRIOR TO THE DATE OF EXECUTION OF THIS AFFIDAVIT.

DOCUMENTATION OF THE PLEDGED ASSET MUST BE ATTACHED.

10. SIGNATURE

11. BOND AND CONTRACT TO WHICH THIS AFFIDAVIT RELATES (Where appropriate)

12. SUBSCRIBED AND SWORN TO BEFORE ME AS FOLLOWS:a. DATE OATH ADMINISTERED
MONTH DAY YEAR

b. CITY AND STATE (Or other jurisdiction)

c. NAME AND TITLE OF OFFICIAL ADMINISTERING OATH

d. SIGNATURE

e. MY COMMISSION
EXPIRESOfficial
Seal

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STANDARD FORM 28 (REV.)
Prescribed by GSA-FAR (48 CFR) 53.228(e)

DRAFT**INSTRUCTIONS**

1. Individual sureties on bonds executed in connection with Government contracts must complete and submit this form with the bond. (See 48 CFR 28.203, 53.228(e).) The surety must have the completed form notarized.
2. No corporation, partnership, or other unincorporated association or firm, as such, is acceptable as an individual surety. Likewise, members of a partnership are not acceptable as sureties on bonds that a partnership or an association, or any co-partner or member thereof, is the principal obligor. However, stockholders of corporate principals are acceptable provided (a) their qualifications are independent of their stockholdings or financial interest therein, and (b) that the fact is expressed in the affidavit of justification. An individual surety will not include any financial interest in assets connected with the principal on the bond that this affidavit supports.
3. United States citizenship is a requirement for individual sureties for contracts and bonds executed in the United States. However, only a permanent resident of the place of execution of the contract and bond is required for individual sureties in any outlying area of the United States or foreign country.
4. All signatures of the affidavit submitted must be originals. Affidavits bearing reproduced signatures are not acceptable. An authorized person must sign the bond. Any person signing in a representative capacity (e.g., an attorney-in-fact) must furnish evidence of authority if that representative is not a member of a firm, partnership, or joint venture, or an officer of the corporation involved.

DRAFT**SUBCONTRACTING REPORT FOR INDIVIDUAL CONTRACTS**
(See instructions on reverse)OMB No.: 9000-0006
Expires: 04/30/2001

Public reporting burden for this collection of information is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.

1. CORPORATION, COMPANY OR SUBDIVISION COVERED		3. DATE SUBMITTED	
a. COMPANY NAME			
b. STREET ADDRESS		4. REPORTING PERIOD FROM INCEPTION OF CONTRACT THRU:	
c. CITY	d. STATE	e. ZIP CODE	YEAR
		<input type="checkbox"/> MAR 31	<input type="checkbox"/> SEPT 30
2. CONTRACTOR IDENTIFICATION NUMBER		5. TYPE OF REPORT	
		<input type="checkbox"/> REGULAR <input type="checkbox"/> FINAL <input type="checkbox"/> REVISED	
6. ADMINISTERING ACTIVITY (Please check applicable box)			
<input type="checkbox"/> ARMY	<input type="checkbox"/> GSA	<input type="checkbox"/> NASA	
<input type="checkbox"/> NAVY	<input type="checkbox"/> DOE	<input type="checkbox"/> OTHER FEDERAL AGENCY (Specify)	
<input type="checkbox"/> AIR FORCE	<input type="checkbox"/> DEFENSE LOGISTICS AGENCY		
7. REPORT SUBMITTED AS (Check one and provide appropriate number)		8. AGENCY OR CONTRACTOR AWARDED CONTRACT	
<input type="checkbox"/> PRIME CONTRACTOR	PRIME CONTRACT NUMBER	a. AGENCY'S OR CONTRACTOR'S NAME	
<input type="checkbox"/> SUBCONTRACTOR	SUBCONTRACT NUMBER	b. STREET ADDRESS	
9. DOLLARS AND PERCENTAGES IN THE FOLLOWING BLOCKS:		c. CITY	d. STATE
<input type="checkbox"/> DO INCLUDE INDIRECT COSTS <input type="checkbox"/> DO NOT INCLUDE INDIRECT COSTS		e. ZIP CODE	

SUBCONTRACT AWARDS

TYPE	CURRENT GOAL		ACTUAL CUMULATIVE	
	WHOLE DOLLARS	PERCENT	WHOLE DOLLARS	PERCENT
10a. SMALL BUSINESS CONCERNS (Include SDB, WOSB, HBCU/MI, HUBZone SB, VOSB and Service-Disabled VOSB) (Dollar Amount and Percent of 10c.)				
10b. LARGE BUSINESS CONCERNS (Dollar Amount and Percent of 10c.)				
10c. TOTAL (Sum of 10a and 10b.)		100.0%		100.0%
11. SMALL DISADVANTAGED (SDB) CONCERNS (Include HBCU/MI) (Dollar Amount and Percent of 10c.)				
12. WOMEN-OWNED SMALL BUSINESS (WOSB) CONCERNS (Dollar Amount and Percent of 10c.)				
13. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) AND MINORITY INSTITUTIONS (MI) (If applicable) (Dollar Amount and Percent of 10c.)				
14. HUBZONE SMALL BUSINESS (HUBZone SB) CONCERNS (Dollar Amount and Percent of 10c.)				
15. VETERAN-OWNED SMALL BUSINESS (Include Service-Disabled Veteran-Owned SB) (Dollar Amount and Percent of 10c.)				
16. REMARKS				

17a. NAME OF INDIVIDUAL ADMINISTERING SUBCONTRACTING PLAN	17b. TELEPHONE NUMBER
	AREA CODE NUMBER

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STANDARD FORM 294 (REV.)
Prescribed by GSA-FAR (48 CFR) 53.219(a)

GENERAL INSTRUCTIONS

- 1.** This report is not required from small business. **DRAFT**
- 2.** This report is not required for commercial items for which a commercial plan has been approved, nor from large businesses in the Department of Defense (DOD) Test Program for Negotiation of Comprehensive Subcontracting Plans. The Summary Subcontract Report (SF 295) is required for contractors operating under one of these two conditions and should be submitted to the Government in accordance with the instructions on that form.
- 3.** This form collects subcontract award data from prime contractors/subcontractors that: (a) hold one or more contracts over \$500,000 (over \$1,000,000 for construction of a public facility); and (b) are required to report subcontracts awarded to Small Business (SB), Small Disadvantaged Business (SDB), Women-Owned Small Business (WOSB), HUBZone Small Business (HUBZone SB), Veteran-Owned Small Business (VOSB) and Service-Disabled Veteran-Owned Small Business concerns under a subcontracting plan. For the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), and the Coast Guard, this form also collects subcontract award data for Historically Black Colleges and Universities (HBCUs) and Minority Institutions (MIs).
- 4.** This report is required for each contract containing a subcontracting plan and must be submitted to the administrative contracting officer (ACO) or contracting officer if no ACO is assigned, semi-annually during contract performance for the periods ended March 31st and September 30th. A separate report is required for each contract at contract completion. Reports are due 30 days after the close of each reporting period unless otherwise directed by the contracting officer. Reports are required when due, regardless of whether there has been any subcontracting activity since the inception of the contract or since the previous report.
- 5.** Only subcontracts involving performance in the U.S. or its outlying areas should be included in this report.
- 6.** Purchases from a corporation, company, or subdivision that is an affiliate of the prime/subcontractor are not included in this report.
- 7.** Subcontract award data reported on this form by prime contractors/subcontractors shall be limited to awards made to their immediate subcontractors. Credit cannot be taken for awards made to lower tier subcontractors.

SPECIFIC INSTRUCTIONS

BLOCK 2: For the Contractor Identification Number, enter the nine-digit Data Universal Numbering System (DUNS) number that identifies the specific contractor establishment. If there is no DUNS number available that identifies the exact name and address entered in Block 1, contact Dun and Bradstreet Information Services at 1-800-333-0505 to get one free of charge over the telephone. Be prepared to provide the following information: (1) Company name; (2) Company address; (3) Company telephone number; (4) Line of business; (5) Chief executive officer/key manager; (6) Date the company was started; (7) Number of people employed by the company; and; (8) Company affiliation.

BLOCK 4: Check only one. Note that all subcontract award data reported on this form represents activity since the inception of the contract through the date indicated in this block.

BLOCK 5: Check whether this report is a "Regular," "Final," and/or "Revised" report. A "Final" report should be checked only if the contractor has completed the contract or subcontract reported in Block 7. A "Revised" report is a change to a report previously submitted for the same period.

BLOCK 6: Identify the department or agency administering the majority of subcontracting plans.

BLOCK 7: Indicate whether the reporting contractor is submitting this report as a prime contractor or subcontractor and the prime contract or subcontract number.

BLOCK 8: Enter the name and address of the Federal department or agency awarding the contract or the prime contractor awarding the subcontract.

BLOCK 9: Check the appropriate block to indicate whether indirect costs are included in the dollar amounts in blocks 10a through 14. To ensure comparability between the goal and actual columns, the contractor may include indirect costs in the actual column only if the subcontracting plan included indirect costs in the goal.

BLOCKS 10a through 15: Under "Current Goal," enter the dollar and percent goals in each category (SB, SDB, WOSB, VOSB, and HUBZone SB) from the subcontracting plan approved for this contract. (If the original goals agreed upon at contract award have been revised as a result of contract modifications, enter the original goals in Block 16. The amounts entered in Blocks 10a through 15 should reflect the revised goals.) Under "Actual Cumulative," enter actual subcontract achievements (dollar and percent) from the inception of the contract through the date of the report shown in Block 4. In cases where indirect costs are included, the amounts should include both direct awards and an appropriate prorated portion of indirect awards.

BLOCK 10a: Report all subcontracts awarded to SBs including subcontracts to SDBs, WOSBs, VOSBs and HUBZone SBs. For DOD, NASA, and Coast Guard contracts, include subcontracting awards to HBCUs and MIs.

BLOCK 10b: Report all subcontracts awarded to large businesses (LBs).

BLOCK 10c: Report on this line the total of all subcontracts awarded under this contract (the sum of lines 10a and 10b).

BLOCKS 11 through 15: Each of these items is a subcategory of Block 10a. Note that in some cases the same dollars may be reported in more than one block (e. g., SDBs owned by women or veterans).

BLOCK 11: Report all subcontracts awarded to SDBs (including women-owned, veteran-owned, and HUBZone SB SDBs). For DOD, NASA, and Coast Guard contracts, include subcontract awards to HBCUs and MIs.

BLOCK 12: Report all subcontracts awarded to Women-Owned firms (including SDBs, VOSB's, and HUBZone SBs owned by women).

BLOCK 13 (For contracts with DoD, NASA, and Coast Guard): Report all subcontracts with HBCUs/MIs. Complete the column under "Current Goal" only when the subcontracting plan establishes a goal.

BLOCK 14: Report all subcontracts awarded to HUBZone SBs (including women-owned, veteran-owned, and SDB HUBZone SBs).

BLOCK 15: Report all subcontracts awarded to VOSBs including Service-Disabled VOSBs (include VOSBs that are also SDBs, WOSBs and HUBZone SBs).

BLOCK 16: Enter a short narrative explanation if (a) SB, SDB, WOSB, VOSBs, or HUBZone SB accomplishments fall below that which would be expected using a straight-line projection of goals through the period of contract performance; or (b) if this is a final report, any one of the three goals was not met.

DEFINITIONS

1. Direct Subcontract Awards are those that are identified with the performance of one or more specific Government contract(s).

2. Indirect costs are those which, because of incurrence for common or joint purposes, are not identified with specific Government contracts; these awards are related to Government contract performance but remain for allocation after direct awards have been determined and identified to specific Government contracts.

DISTRIBUTION OF THIS REPORT

For the Awarding Agency or Contractor:

The original copy of this report should be provided to the contracting officer at the agency or contractor identified in Block 8. For contracts with DOD, a copy should also be provided to the Defense Logistics Agency (DLA) at the cognizant Defense Contract Management Area Operations (DCMAO) office.

For the Small Business Administration (SBA):

A copy of this report must be provided to the cognizant Commercial Market Representative (CMR) at the time of a compliance review. It is NOT necessary to mail the SF 294 to SBA unless specifically requested by the CMR.

DRAFT

SUMMARY SUBCONTRACT REPORT

(See instructions on reverse)

OMB No.: 9000-0007
Expires: 09/30/2003

Public reporting burden for this collection of information is estimated to average 12.9 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.

1. CORPORATION, COMPANY OR SUBDIVISION COVERED			3. DATE SUBMITTED		
a. COMPANY NAME			4. REPORTING PERIOD: <input type="checkbox"/> OCT 1 - MAR 31 <input type="checkbox"/> APR 1 - SEPT 30 YEAR 5. TYPE OF REPORT <input type="checkbox"/> REGULAR <input type="checkbox"/> FINAL <input type="checkbox"/> REVISED		
b. STREET ADDRESS					
c. CITY	d. STATE	e. ZIP CODE			
2. CONTRACTOR IDENTIFICATION NUMBER					
6. ADMINISTERING ACTIVITY (Please check applicable box)					
<input type="checkbox"/> ARMY	<input type="checkbox"/> DEFENSE LOGISTICS AGENCY	<input type="checkbox"/> DOE			
<input type="checkbox"/> NAVY	<input type="checkbox"/> NASA	<input type="checkbox"/> OTHER FEDERAL AGENCY (Specify)			
<input type="checkbox"/> AIR FORCE	<input type="checkbox"/> GSA				
7. REPORT SUBMITTED AS (Check one)		8. TYPE OF PLAN			
<input type="checkbox"/> PRIME CONTRACTOR	<input type="checkbox"/> INDIVIDUAL	IF PLAN IS A COMMERCIAL PLAN, SPECIFY THE PERCENTAGE OF THE DOLLARS ON THIS REPORT ATTRIBUTABLE TO THIS AGENCY.			
<input type="checkbox"/> SUBCONTRACTOR	<input type="checkbox"/> COMMERCIAL PRODUCTS				
<input type="checkbox"/> BOTH					
9. CONTRACTOR'S MAJOR PRODUCTS OR SERVICE LINES					
a			b		

CUMULATIVE FISCAL YEAR SUBCONTRACT AWARDS

(Report cumulative figures for reporting period in Block 4)

TYPE	WHOLE DOLLARS	PERCENT (To nearest tenth of a %)
10a. SMALL BUSINESS CONCERNS (Include SDB, WOSB, HBCU/MI, HUBZone SB, VOSB and Service-Disabled VOSB) (Dollar Amount and Percent of 10c.)		
10b. LARGE BUSINESS CONCERNS (Dollar Amount and Percent of 10c.)		
10c. TOTAL (Sum of 10a and 10b.)		100.0 %
11. SMALL DISADVANTAGED (SDB) CONCERNS (Include HBCU/MI) (Dollar Amount and Percent of 10c.)		
12. WOMEN-OWNED SMALL BUSINESS (WOSB) CONCERNS (Dollar Amount and Percent of 10c.)		
13. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) AND MINORITY INSTITUTIONS (MI) (If applicable) (Dollar Amount and Percent of 10c.)		
14. HUBZONE SMALL BUSINESS (HUBZone SB) CONCERNS (Dollar Amount and Percent of 10c.)		
15a. VETERAN-OWNED SMALL BUSINESS (VOSB) CONCERNS (Dollar Amount and Percent of 10c.)		
15b. SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERNS (Dollar Amount and Percent of 10c.)		

16. REMARKS

17. CONTRACTOR'S OFFICIAL WHO ADMINISTERS SUBCONTRACTING PROGRAM			
a. NAME	b. TITLE	c. TELEPHONE NUMBER	
		AREA CODE	NUMBER
18. CHIEF EXECUTIVE OFFICER			
a. NAME	c. SIGNATURE		
b. TITLE	d. DATE		

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STANDARD FORM 295 (REV.)
Prescribed by GSA - FAR (48 CFR) 53.219(b)

GENERAL INSTRUCTIONS

DRAFT

1. This report is not required from small businesses.
2. This form collects subcontract award data from prime contractors/subcontractors that: (a) hold one or more contracts over \$500,000 (over \$1,000,000 for construction of a public facility); and (b) are required to report subcontracts awarded to Small Business (SB), Small Disadvantaged Business (SDB), Women-Owned Small Business (WOSB), Veteran-Owned Small Business (VOSB), Service-Disabled Veteran-Owned Small Business, and HUBZone Small Business (HUBZone SB) concerns under a subcontracting plan. For the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), and the Coast Guard, this form also collects subcontract award data for Historically Black Colleges and Universities (HBCUs) and Minority Institutions (MIs).
3. This report must be submitted semi-annually (for the six months ended March 31st and the twelve months ended September 30th) for contracts with the Department of Defense (DOD) and annually (for the twelve months ended September 30th) for contracts with civilian agencies, except for contracts covered by an approved Commercial Plan (see special instructions in right-hand column). Reports are due 30 days after the close of each reporting period.
4. This report may be submitted on a corporate, company, or subdivision (e.g., plant or division operating on a separate profit center) basis, unless otherwise directed by the agency awarding the contract.
5. If a prime contractor/subcontractor is performing work for more than one Federal agency, a separate report shall be submitted to each agency covering only that agency's contracts, provided at least one of that agency's contracts is over \$500,000 (over \$1,000,000 for construction of a public facility) and contains a subcontracting plan. (Note that DOD is considered to be a single agency; see next instruction.)
6. For DOD, a consolidated report should be submitted for all contracts awarded by military departments/agencies and/or subcontracts awarded by DOD prime contractors. However, DOD contractors involved in construction and related maintenance and repair must submit a separate report for each DOD component.
7. Only subcontracts involving performance in the U.S. or its outlying areas should be included in this report.
8. Purchases from a corporation, company, or subdivision that is an affiliate of the prime/subcontractor are not included in this report.
9. Subcontract award data reported on this form by prime contractors/subcontractors shall be limited to awards made to their immediate subcontractors. Credit cannot be taken for awards made to lower tier subcontractors.
10. See special instructions in right-hand column for Commercial Plans.

SPECIFIC INSTRUCTIONS

BLOCK 2: For the Contractor Identification Number, enter the nine-digit Data Universal Numbering System (DUNS) number that identifies the specific contractor establishment. If there is no DUNS number available that identifies the exact name and address entered in Block 1, contact Dun and Bradstreet Information Services at 1-800-333-0505 to get one free of charge over the telephone. Be prepared to provide the following information: (1) Company name; (2) Company address; (3) Company telephone number; (4) Line of business; (5) Chief executive officer/key manager; (6) Date the company was started; (7) Number of people employed by the company; and (8) Company affiliation.

BLOCK 4: Check only one. Note that March 31 represents the six months from October 1st and that September 30th represents the twelve months from October 1st. Enter the year of the reporting period.

BLOCK 5: Check whether this report is a "Regular," "Final," and/or "Revised" report. A "Final" report should be checked only if the contractor has completed all the contracts containing subcontracting plans awarded by the agency to which it is reporting. A "Revised" report is a change to a report previously submitted for the same period.

BLOCK 6: Identify the department or agency administering the majority of subcontracting plans.

BLOCK 7: This report encompasses all contracts with the Federal Government for the agency to which it is submitted, including subcontracts received from other large businesses that have contracts with the same agency. Indicate in this block whether the contractor is a prime contractor, subcontractor, or both (check only one).

BLOCK 8: Check only one. Check "Commercial Plan" only if this report is under an approved Commercial Plan. For a Commercial Plan, the contractor must specify the percentage of dollars in Blocks 10a through 15b attributable to the agency to which this report is being submitted.

BLOCK 9: Identify the major product or service lines of the reporting organization.

BLOCKS 10a through 15b: These entries should include all subcontract awards resulting from contracts or subcontracts, regardless of dollar amount, received from the agency to which this report is submitted. If reporting as a subcontractor, report all subcontracts awarded under prime contracts. Amounts

should include both direct awards and an appropriate prorated portion of indirect awards. (The indirect portion is based on the percentage of work being performed for the organization to which thereport is being submitted in relation to other work being performed by the prime contractor/subcontractor.) Do not include awards made in support of commercial business unless "Commercial" is checked in Block 8 (see Special Instructions for Commercial Plans in right hand column). Report only those dollars subcontracted this fiscal year for the period indicated in Block 4.

BLOCK 10a: Report all subcontracts awarded to SBs including subcontracts to SDBs, WOSBs, VOSBs, and HUBZone SBs. For DOD, NASA, and Coast Guard contracts, include subcontracting awards to HBCUs and MIs.

BLOCK 10b: Report all subcontracts awarded to large businesses (LBs).

BLOCK 10c: Report on this line the grand total of all subcontracts (the sum of lines 10a and 10b).

BLOCKS 11 through 15b: Each of these items is a subcategory of Block 10a. Note that in some cases the same dollars may be reported in more than one block (e.g., SDBs owned by women); likewise subcontracts to HBCUs or MIs should be reported on both Block 11 and 13.

BLOCK 11: Report all subcontracts awarded to SDBs (including women-owned, veteran-owned, and HUBZone SB SDBs). For DOD, NASA, and Coast Guard contracts, include subcontract awards to HBCUs and MIs.

BLOCK 12: Report all subcontracts awarded to WOSB firms (including SDBs, VOSBs, and HUBZone SBs owned by women).

BLOCK 13: (For contracts with DOD, NASA, and Coast Guard): Enter the dollar value of all subcontracts with HBCUs/MIs.

BLOCK 14: Report all subcontracts awarded to HUBZone SBs (including women-owned, veteran-owned, and SDB HUBZone SBs).

BLOCK 15a: Report all subcontracts awarded to VOSBs (including women-owned, SDB, and HUBZone SB VOSBs).

BLOCK 15b: Report all subcontracts awarded to service disabled VOSBs (these subcontracts should also be reported in Block 15a).

SPECIAL INSTRUCTIONS FOR COMMERCIAL PLANS

1. This report is due on October 30th each year for the previous fiscal year ended September 30th.

2. The annual report submitted by reporting organizations that have an approved company-wide annual subcontracting plan for commercial items shall include all subcontracting activity under commercial plans in effect during the year and shall be submitted in addition to the required reports for other-than-commercial items, if any.

3. Enter in Blocks 10a through 15b the total of all subcontract awards under the contractor's Commercial Plan. Show in Block 8 the percentage of this total that is attributable to the agency to which this report is being submitted. This report must be submitted to each agency from which contracts for commercial items covered by an approved Commercial Plan were received.

DEFINITIONS

1. Direct Subcontract Awards are those that are identified with the performance of one or more specific Government contract(s).

2. Indirect Subcontract Awards are those which, because of incurrence for common or joint purposes, are not identified with specific Government contracts; these awards are related to Government contract performance but remain for allocation after direct awards have been determined and identified to specific Government contracts.

SUBMITTAL ADDRESSES FOR ORIGINAL REPORT

For DOD Contractors, send reports to the cognizant contract administration office as stated in the contract.

For Civilian Agency Contractors, send reports to awarding agency:

1. NASA: Forward reports to NASA, Office of Procurement (HS), Washington, DC 20546

2. OTHER FEDERAL DEPARTMENTS OR AGENCIES: Forward report to the OSD/BU Director unless otherwise provided for in instructions by the Department or Agency.

FOR ALL CONTRACTORS:

SMALL BUSINESS ADMINISTRATION (SBA): Send "info copy" to the cognizant Commercial Market Representative (CMR) at the address provided by SBA. Call SBA Headquarters in Washington, DC at (202) 205-6475 for correct address if unknown.



Federal Register

**Friday,
July 27, 2001**

Part III

Department of Transportation

**Federal Motor Carrier Safety
Administration**

49 CFR Parts 350 et al.

**Commercial Driver's License Standards,
Requirements and Penalties; Commercial
Driver's License Program Improvements;
Proposed Rule**

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration****49 CFR Parts 350, 383, and 384****[Docket No. FMCSA-2001-9709]****RIN 2126-AA60****Commercial Driver's License Standards, Requirements and Penalties; Commercial Driver's License Program Improvements****AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

SUMMARY: The FMCSA proposes various changes to its Commercial Driver's License (CDL) Program. The Motor Carrier Safety Improvement Act of 1999 (MCSIA) mandates these revisions. They are designed to enhance the safety of commercial motor vehicle (CMV) operations on our nation's highways by ensuring that only safe drivers operate CMVs.

DATES: We must receive your comments by October 25, 2001.

ADDRESSES: You can mail, fax, hand deliver or electronically submit written comments to the Docket Management Facility, U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. The fax number is (202) 493-2251. Comments to the web site (<http://dmses.dot.gov/submit>) may be typed on-line. You must include the docket number that appears at in the heading of this document in your comment. You can examine and copy all comments at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. You may also review the docket on the Internet at <http://dms.dot.gov>. If you want notification of receipt of comments, please include a self-addressed, stamped envelope or postcard, or after submitting comments electronically, print the acknowledgment page.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Redmond, Office of State Programs, (202) 366-5014, Federal Motor Carrier Safety Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: All comments received before the close of

business on the comment closing date indicated above will be considered and will be available for examination using the docket number appearing at the top of this document in the docket room at the above address. The FMCSA will file comments received after the comment closing date in the docket and will consider late comments to the extent practicable. The FMCSA may, however, issue a final rule at any time after the close of the comment period.

Background

The Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (Public Law 99-570, 100 Stat. 3207-170, 49 U.S.C. 31301) established the commercial driver's license (CDL) program and the Commercial Driver's License Information System (CDLIS) to serve as a clearinghouse and repository of commercial driver licensing and conviction data. The CMVSA also requires States to ensure that drivers convicted of certain serious traffic violations be prohibited from operating a CMV. The Secretary of Transportation was directed to monitor the States' compliance with the standards established under the CMVSA. The goal of the CMVSA is to improve highway safety by ensuring that drivers of large trucks and buses are qualified to operate those vehicles and to remove unsafe and unqualified drivers from the highways.

In 1994, the agency initiated a benefits and effectiveness study to evaluate the effectiveness of the CDL program. The final report, submitted to Congress in 1999, documented vulnerabilities within the CDL program and provided recommendations to correct them.

Responding in part to the findings of this report, Congress passed the Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159, 113 Stat. 1748). The MCSIA amended numerous provisions of title 49 of the United States Code relating to the licensing and sanctioning of CMV drivers required to hold a CDL, and directed the Department of Transportation (DOT) to amend its regulations to correct specific weaknesses in the CDL program. This rulemaking proposes to amend various provisions of Parts 350, 383 and 384 of 49 CFR to implement these Congressionally mandated changes. The following is an analysis of these proposed regulations.

Emergency CDL Grants to States

Section 103(d) of the MCSIA authorizes the FMCSA to provide emergency CDL grants to assist States whose CDL programs may fail to meet the compliance requirements of 49

U.S.C. 31311(a) [49 CFR part 384, subpart B]. These grants of up to \$1,000,000 per State are subject to the annual appropriation of funds by Congress for information system grants. The FMCSA proposes adding language at 49 CFR 384.407 implementing FMCSA's authority to administer emergency CDL grants.

Withholding MCSAP Funds From States in Noncompliance With CDL Requirements

Section 103(e) of the MCSIA requires the FMCSA to withhold Motor Carrier Safety Assistance Program (MCSAP) grant funds authorized under section 103(b)(1) of MCSIA from States not in substantial compliance with 49 CFR part 384, subpart B. This new sanction is in addition to the one currently contained in 49 CFR part 384, subpart D requiring the agency to withhold five percent of some of a State's Federal-aid highway funds following the first year of non-compliance and 10 percent of such funds following the second and subsequent years of non-compliance. The amount of money a State could lose is therefore considerable. The FMCSA proposes amending 49 CFR 350.217 and 384.401 to implement this new sanction.

Disqualification for Driving While Suspended or Disqualified, and Causing a Fatality

Section 201(a) of the MCSIA amended the CMVSA to create two new disqualifying offenses, (1) driving a CMV after one's CDL has been revoked, suspended or canceled for violations while operating a CMV, and (2) causing a fatality through the negligent or criminal operation of a CMV.

The first of these disqualifying offenses requires a violation while driving a CMV that results in the revocation or suspension of the driver's CDL [49 U.S.C. 31310(b)(1)(D)]. However, section 201(b) of MCSIA also requires the disqualification of CDL-holders who are convicted of a drug- or alcohol-related offense while driving a non-CMV, provided that conviction results in the revocation, suspension, or cancellation of the driver's license [49 U.S.C. 31310(g)]. The FMCSA recently issued a separate NPRM to implement that requirement [66 FR 22499; May 4, 2001], but is proposing in this rulemaking to amend section 383.51 to disqualify drivers who continue to operate CMVs after being disqualified, or having had their CDLs revoked, suspended, or cancelled, regardless of whether the drivers were originally disqualified, or had their licenses revoked, suspended, or canceled, for

violations that occurred in a CMV or non-CMV.

The second disqualifying offense in section 201(a) requires a conviction for "causing a fatality through negligent or criminal operation of a commercial motor vehicle" [49 U.S.C. 31310(b)(1)(E)]. A conviction of this type would be included on the driver's record, but State laws classify convictions for "negligent or criminal operation" of CMVs in a variety of different ways. The FMCSA proposes to amend section 383.51 to add as new disqualifying offenses convictions of "homicide by motor vehicle, manslaughter, or negligent homicide." The agency requests comments on the accuracy and adequacy of that language to describe State convictions corresponding to "negligent or criminal operation" of a CMV.

The FMCSA also proposes adding a definition of fatality to section 383.5. It would differ from the definition found in section 390.5, which requires that the death must occur within 30 days of the accident. The proposed definition has no time restriction because that is more consistent with the assessment of criminal culpability in vehicle death cases and, accordingly, better implements the intent of this new statutory requirement.

Emergency Disqualification of Drivers Posing an Imminent Hazard

Section 201(b) of the MCSIA requires the Secretary of Transportation to impose an emergency disqualification on drivers whose continued operation of a CMV the Secretary determines would constitute an imminent hazard as defined in 49 USC 5102. If the disqualification is to be for a period of more than 30 days, the MCSIA further requires the Secretary to provide the driver with a notice of the proposed action and an opportunity for a hearing prior to imposition of the disqualification [49 U.S.C. 31310(f)].

The FMCSA proposes adding a new section (49 CFR 383.52) establishing the agency's criteria for implementing this new disqualification, including the notice and hearing requirements for disqualifications that exceed 30 days. The Associate Administrator for Enforcement and Program Delivery is the most appropriate official to make the determination whether or not a driver should be subject to an emergency disqualification, and the NPRM proposes to assign this authority accordingly.

Although the legislation does not establish a maximum period for this disqualification, the FMCSA believes that a one-year maximum is an

appropriate period. In recognition of the fact that many drivers who would be likely candidates for an emergency disqualification may also be subject to a longer disqualification under other provisions of the FMCSRs, the FMCSA proposes adding language to the regulation making clear that the imposition of an emergency disqualification does not preclude the imposition of an additional disqualification period if the driver is later convicted of any disqualifying offense arising out of the same incident.

The FMCSA notes that there is currently no code to identify this new Federal emergency disqualification on a driver's history and encourages the States and AAMVAnet to develop an appropriate code to identify such an action so that a driver's record may accurately reflect the fact that this sanction has been imposed.

New Serious Traffic Violations

Section 201(c) of the MCSIA adds three new offenses to the definition of serious traffic violations [49 U.S.C. 31301(12)(D), (E) and (F)]. These new violations include: driving a CMV when the driver has not obtained a CDL; driving a CMV without a CDL in his or her possession; and driving a CMV without having met the minimum testing standards for the specific class of CMV being operated or for the type of cargo being transported on the vehicle. The FMCSA proposes adding these new offenses to the definition of serious traffic violations in section 383.5 and to the disqualification of driver provisions in section 383.51.

Expanded Driver Record Check

Before issuing a new CDL, States are currently required to request an applicant's driving record from any State that previously issued him or her a CDL. As amended by section 202(a) of the MCSIA, States will be required, before issuing or renewing a CDL, to request the applicant's record from each State that issued him or her any kind of driver's license [49 U.S.C. 31311(a)(6)]. The FMCSA proposes amending sections 383.71 and 384.206 to incorporate these new requirements.

New Notification Requirements

Section 202(b) of the MCSIA amends 49 USC 31311(a)(8) to add a requirement that States include and record the violation that resulted in the driver's disqualification, or the revocation, suspension or cancellation of his or her CDL, as part of the notification they are currently required to make under this statutory provision. The FMCSA proposes adding a new

section (49 CFR 384.208) incorporating this new legislative mandate.

Section 202(c) of the MCSIA clarifies a State's responsibility for notifying the State where a CDL driver is licensed whenever such an out-of-state driver is convicted of a violation of any State or local law relating to motor vehicle traffic control (other than a parking violation), even if the driver was operating a non-CMV when the offense was committed [49 U.S.C. 31311(a)(9)]. The MCSIA also requires the State where such an offense was committed to notify the State where the driver is licensed if the offense was committed in a CMV, even if the driver did not have a CDL at the time. The MCSIA further requires that this notification be made no later than ten days after the driver's conviction.

Based on its current knowledge of State capabilities to obtain and transmit driver conviction information, the FMCSA believes that to immediately impose a ten-day time period would place an extensive and unreasonable burden on the States. Accordingly, the FMCSA proposes phasing in this time limitation over six years according to the following time schedule. Within three years of the effective date of the final rule, notification must be made within 30 days of the conviction. Within six years, notification must be made within ten days. The FMCSA proposes incorporating this new notification requirement into 49 CFR 384.209.

Prohibition on Issuing Hardship Licenses to Drivers Who Lose CDL

Suspension or revocation of a CDL for an offense committed in a private car or light truck has the collateral effect of barring truck and bus drivers from operating a CMV, and thus from earning a living in that field. In order to avoid that result, some States issue "hardship" licenses that authorize holders to operate CMVs, while barring them from driving all non-CMV's. Although this practice has always been questionable from a safety standpoint, FMCSA did not have the authority to prohibit it. Section 202(d) of the MCSIA [49 U.S.C. 31311(a)(10)] now gives the agency that authority. It explicitly prohibits States from issuing a provisional or temporary hardship license to CDL-holders who have been disqualified from operating a CMV or whose CDL has been revoked, suspended or canceled. A truck or bus driver whose CDL was suspended for speeding or reckless driving in his sport utility vehicle will now be unable to obtain a hardship license and may not drive a CMV until his CDL is restored. The FMCSA proposes amending 49 CFR

384.210 to implement this new requirement.

Penalties for Violating Licensing Requirements

Section 202(e) of the MCSIA clarifies the responsibility of States for establishing and imposing appropriate civil and criminal penalties for drivers committing offenses while operating a CMV. The FMCSA proposes amending 49 CFR 384.213 to incorporate this provision.

Maintaining Record of All Violations

Section 202(f) of the MCSIA requires the States to maintain a driver history record for CDL drivers of all convictions of State or local motor vehicle traffic control laws while operating any type of motor vehicle [49 U.S.C. 31311(a)(18)]. It also specifies that this information must be made available to authorized CDLIS users as part of normal operating practices. While the MCSIA does not specify a retention period for information on these convictions and other licensing actions, a minimum retention period of three years is needed to promote uniformity among the States. The FMCSA proposes adding section 384.225 to implement this new requirement.

Masking Prohibition

Section 202(g) of the MCSIA prohibits the practice of masking convictions required to be maintained by or transmitted to the State where the driver is licensed [49 U.S.C. 31311(a)(19)]. A Joint Explanatory Statement issued by Congress in conjunction with the MCSIA makes clear that this new provision is intended to prohibit States not only from masking convictions, but also from using diversion programs or any other disposition that would defer the listing of a guilty verdict on a CDL driver's record. This provision of the MCSIA also requires that records of such conviction information be made available to all authorized parties and government entities. The FMCSA proposes adding this new requirement as section 384.226.

Decertification of State CDL Programs for Noncompliance

Section 203 of the MCSIA requires the FMCSA to prohibit a State from issuing, renewing, transferring, or upgrading CDLs if the agency has determined that the State is in substantial noncompliance with the CDL licensing and sanctioning requirements of 49 CFR part 384, subpart B [49 U.S.C. 31312]. Because of the severity of this new sanction and the potential inconvenience to drivers and motor

carriers located in States found to be in non-compliance, this penalty should be used only after other attempts to bring the State into substantial compliance with CDL requirements have failed. The FMCSA proposes adding language at 49 CFR 384.405 to authorize the agency to implement this decertification authority, and to establish conditions for taking such action.

To mitigate the impact on drivers and motor carriers in States that have been decertified, the MCSIA proposes adding a provision to 49 CFR §§ 383.7 and 384.405(h) allowing drivers licensed before a State was decertified to continue to operate CMVs, as long as their licenses remain valid. The FMCSA also proposes to include language in 49 CFR 383.23(b)(2) authorizing States that are in substantial compliance to issue nonresident CDLs to drivers living in States that have been decertified.

School Bus Endorsement

Section 214 of the MCSIA requires the FMCSA to create a new endorsement that CDL holders must obtain to operate a school bus. To implement this new endorsement, the FMCSA proposes adding a definition of school bus to 49 CFR 383.5; amending other provisions of part 383 to recognize the new school bus endorsement; adding a license code for the endorsement; and specifying that applicants must pass both a knowledge and a skills test to obtain the endorsement. We also propose adding a new section (49 CFR 383.123) to establish the minimum knowledge and skills test requirements enumerated in the MCSIA for this new endorsement.

While the MCSIA established the minimum knowledge and skills test requirements that applicants for the school bus endorsement must meet, it does not specify what other requirements applicants must meet. The FMCSA is therefore proposing to require all applicants to meet the same knowledge and skills requirements they would need to meet to obtain a passenger vehicle endorsement. The agency would add language to proposed section 383.123 specifying that applicants for a school bus endorsement must meet all the requirements for obtaining a passenger vehicle endorsement as a condition of qualifying for a school bus endorsement.

During the rulemaking process to implement the CMVSA, numerous States expressed concern that they lacked the financial and human resources needed to provide the mandated skills test to the large number of drivers they anticipated would be applying for a CDL. To accommodate these concerns, the agency included a

provision authorizing States to substitute driving experience and a good driving record for the skills test requirements in the final rule implementing the CDL testing requirements. This "grandfathering" provision worked well in meeting the needs of the States by greatly limiting the number of CDL applicants having to take a skills test. To ensure that only qualified individuals would be eligible to receive a CDL without taking the skills test, the regulations required applicants to have a safe driving record and experience in the type vehicle they would be driving.

The skills test requirement for the new school bus endorsement mandated in the MCSIA would impose similar resource burdens on the States if all current school bus drivers were required to take the new school bus skills test. Accordingly, the FMCSA proposes including a provision in 49 CFR 383.123(b) giving States the option of not requiring applicants for the school bus endorsement to take the skills test in cases where the applicant has past experience driving a school bus and a good driving record. Such a "grandfather clause" incorporates appropriate experience and safety requirements to accomplish the objective of the MCSIA without imposing an undue burden on the States.

Substantial Compliance

The CDL provisions of the MCSIA that are proposed in this rulemaking add to the list of conditions necessary for States to achieve substantial compliance with the CMVSA of 1986. Substantial compliance is required to avoid having certain Federal-aid highway funds withheld. As provided by section 103(e) of the MCSIA, substantial compliance is also required to avoid having Motor Carrier Safety Assistance Program (MCSAP) funds withheld. The FMCSA understands the complexity of revising State legislation and establishing procedures to incorporate the new requirements into existing systems.

Section-by-Section Analysis

Section 350.217. What Are the Consequences for a State With a CDL Program Not in Substantial Compliance With 49 CFR Part 384, Subpart B?

Proposed § 350.217 would require the FMCSA to withhold MCSAP grant funds authorized under section 103(b)(1) of MCSIA from States determined not to be in substantial compliance with 49 CFR part 384, subpart B.

Section 383.5 Definitions

Section 383.5 would be amended to add three new definitions and change two existing definitions of words used in part 383 to implement provisions of the MCSIA. The definitions cover "fatality", "imminent hazard", and "school bus." The revised definitions cover "nonresident CDL," to authorize the issuance of a CDL to an individual domiciled in a State that has been prohibited from issuing CDLs under 49 CFR 384.405; and "serious traffic violation," by adding three new offenses to those for which a CDL holder may be disqualified. These violations are driving a CMV when the driver has not obtained a CDL; driving a CMV without a CDL in the driver's possession; and driving a CMV without having met the minimum testing standards for the specific class of CMV being operated or for the type of cargo being transported on the vehicle.

Section 383.7 Validity of CDL Issued by Decertified State

Proposed § 383.7 would clarify that a CDL issued by a State subsequently prohibited from issuing CDLs under 49 CFR 384.405 remains valid until expiration.

Section 383.23 Commercial Driver's License

Section 383.23 would be amended to allow drivers domiciled in a State that has been prohibited from issuing CDLs under 49 CFR 384.405, to apply for a nonresident CDL from a State electing to issue such a license. References to the date "April 1, 1992" are being deleted from this section because that date has passed and it is no longer relevant.

Section 383.51 Disqualification of Drivers

The FMCSA would revise § 383.51 by using an if-then table format that is more easily understandable. We also propose to reserve rows within the table which are included in an NPRM recently published in the **Federal Register** under RIN 2126-AA55 relating to non-CMV convictions (66 FR22499; May 4, 2001).

Section 383.51 adds two new major violations, and three additional serious traffic violations, to those for which a CDL holder may be disqualified. The two new major violations are driving a CMV while the driver's CDL is revoked, suspended or canceled, or while the driver is disqualified; and causing a fatality through negligent or criminal operation of a CMV. The three new serious violations are driving a CMV when the driver has not obtained a CDL; driving a CMV without a CDL in the

driver's possession; and driving a CMV without having met the minimum testing standards for the specific class of CMV being operated or for the type of cargo being transported on the vehicle. This section would also be amended to specify the disqualification period for first time and subsequent offenders.

Section 383.52 Disqualification of Drivers Determined To Constitute an Imminent Hazard

Proposed § 383.52 would establish the FMCSA's criteria for implementing the emergency disqualification of CDL drivers posing an imminent hazard as defined in § 383.5.

Section 383.71 Driver Application Procedures

Section 383.71 would be amended to require applicants for an initial or transferred CDL to provide the State with the name of all States where they have previously been licensed to drive any type of motor vehicle so that the State may obtain a complete driving record for that person.

Section 383.73 State Procedures

Section 383.73 would be amended to require the State to request the complete driving record of applicants for an initial license, renewal or transfer of a CDL from all States where the applicant has previously been licensed to drive any type of motor vehicle.

Section 383.93 Endorsements

Section 383.93 would be amended to add a new paragraph recognizing the new school bus endorsement and specifying that applicants must pass both a knowledge and a skills test to obtain this new endorsement.

Section 383.123 Requirements for a School Bus Endorsement

Proposed § 383.123 would establish the knowledge and skills test requirements for the school bus endorsement. It would also allow States to exempt applicants, who meet specified requirements and who have a good driving record, from taking the skills test.

Section 383.153 Information on the Document and Application.

Section 383.153 would be amended to add a license code for the proposed school bus endorsement.

Section 384.206 State Record Checks

Section 384.206 would be amended to add a requirement that before issuing or allowing an applicant to transfer a CDL, the State must conduct a record check of all States where the applicant may

have received a license to operate any type of motor vehicle.

Section 384.208 Notification of Disqualification

Proposed § 384.208 would require any State that disqualifies, or takes any other action to prohibit, a CDL driver licensed by another State from operating a CMV for a period of 60 days or more, to notify the State where the driver is licensed of such action no later than 10 days after the driver is disqualified. This new provision also requires the notification to identify the violation that resulted in the disqualification, revocation, suspension or cancellation. The notification and the information it provides must be recorded on the driver's record.

Section 384.209 Notification of Traffic Violations

Section 384.209 would be amended to require the State where a CDL holder is convicted of a State or local traffic control law (except a parking violation) to notify the State where the driver is licensed, regardless of the type of vehicle he or she was operating. This reporting requirement would also apply if the offense were committed while the driver was operating a CMV, regardless of whether or not the driver had a CDL. States will need time to implement this new notification requirement, and the following phase-in period is therefore proposed. Within three years of the effective date of the final rule, States must make this notification within 30 days of the conviction. States are encouraged to implement the ten day notification time frame established in the MCSIA as expeditiously as possible, with all States making the required notification within 10 days of the conviction no later than six years after the effective date of the final rule.

Section 384.210 Limitation on Licensing

Section 384.210 would be amended to prohibit a State from issuing a special commercial driver's license or permit (including a provisional or temporary license) to any CDL driver who is disqualified or who has his or her non-commercial driver's license or driving privilege revoked, suspended or canceled.

Section 384.213 State Penalties for Drivers of CMVs

Section 384.213 would be amended to require States to establish and impose appropriate civil and criminal penalties consistent with the penalties required by part 383 for violations committed by CDL drivers while operating a CMV.

Section 384.225 Record of Violations

Proposed § 384.225 clarifies a State's responsibility for maintaining records on CDL drivers and drivers convicted of offenses while operating a CMV that require the driver to have a CDL. This new section also specifies what information those records must contain, how long the information must be retained, and who must have access to it.

Section 384.226 Prohibition on Masking Convictions

Proposed § 384.226 prohibits a State from masking conviction information, and from using diversion programs or other dispositions that defer the listing imposition of a guilty verdict on a CDL driver's record.

Section 384.301 Substantial Compliance—General Requirements

Section 384.301 would be amended to add a new paragraph (b) allowing States up to three years from the effective date of any newly adopted requirements of subpart B of this part to come into substantial compliance with those new requirements.

Section 384.307 FMCSA Program Reviews of State Compliance

Section 384.307 would be amended to remove the July 1 deadline by which the FMCSA must notify a State that a preliminary substantial noncompliance determination has been made. Removing this requirement gives the Agency the flexibility to conduct State compliance reviews until the end of the Federal fiscal year. A provision would also be added to this section giving a State aggrieved by an adverse decision under this section the right to seek judicial review consistent with 49 CFR 350.215 governing the cessation of MCSAP grant funding.

Section 384.401 Withholding of Funds Based on Noncompliance

Section 384.401 would be amended to authorize the withholding of MCSAP supplemental grant funds authorized under section 103(b)(1) of the MCSIA, in addition to the Federal-aid highway funds specified in 49 U.S.C. 31314, if the FMCSA finds that a State is not in substantial compliance with 49 CFR part 384, subpart B.

Section 384.403 Availability of Funds Withheld for Non-compliance

Section 384.403 would be amended to delete all references to funds withheld

on or before September 30, 1995, because that date has passed and no funds were withheld from highway trust funds under this section prior to that date.

Section 384.405 Decertification of State CDL Program

Proposed § 384.405 would prohibit a State from issuing, renewing or upgrading a CDL if the Administrator has determined the State is in substantial noncompliance with 49 CFR part 384, subpart B. This section would also contain language clarifying that the validity of a CDL issued by a State prior to the date the Administrator determined that State to be in substantial noncompliance would remain valid until its stated expiration date.

Section 384.407 Emergency CDL Grants

Proposed § 384.407 would allow the FMCSA to make emergency CDL grants to States whose CDL program may fail to meet the compliance requirements of 49 CFR part 384, subpart B. These grants of up to \$1,000,000 per State would be subject to the annual appropriation of funds by Congress for information system grants.

Rulemaking Analyses and Notices; Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This NPRM is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

Costs

Six provisions in this NPRM were analyzed. Each is represented here by the MCSIA section number and the title used in the NPRM. They include:

- Section 201(a), "Disqualification for Driving While Suspended, Disqualified and Causing a Fatality";
- Section 201(b), "Emergency Disqualification of Drivers Posing an Imminent Hazard";
- Section 201(c), "New Serious Traffic Violations";
- Section 202(a), "Expanded Driver Record Check";

- Section 202(b), "New Notification Requirements; and
- Section 202(g), "Masking Prohibition".

Several other provisions were examined for potential costs but were considered non-significant (relative to the above-mentioned sections) after initial consideration and, as a result, were not analyzed in detail. These include:

- Section 103(c), "Emergency CDL Grants to States";
- Section 103(e), "Withholding MCSAP Funds from States in Non-Compliance with CDL Requirements";
- Section 202(d), "Prohibition on Issuing Hardship License to Drivers Who Lose CDL";
- Section 202(e), "Penalties for Violating Licensing Requirements";
- Section 203, "Decertification of State CDL Programs for Non-Compliance"; and
- Section 214, "School Bus Endorsement";
- Section 201(b), "Serious Offenses Involving a Non-commercial Motor Vehicle" and
- Section 215, "Medical Certification," are being analyzed as part of separate NPRMs.

The primary categories of costs considered in this analysis include: (1) Information system implementation, modification, and maintenance costs to State government agencies; (2) labor costs to the State government agencies to handle new data collection and processing; and (3) wage reduction costs to CDL holders who are suspended or disqualified as a result of the new serious traffic violations and disqualifying offenses addressed under this proposed rule.

First-Year Costs

First-year costs for the six provisions examined for this NPRM total approximately \$12.3 million (present value) and primarily include information system developments and modifications by State government agencies. The year of implementation for each provision varies between 2002 and 2004 (depending upon the phase-in period outlined in the NPRM), but the majority of provisions are assumed to be implemented in years 2002 and 2003. The totals, broken down by sections of the MCSIA, are contained in Table A.

TABLE A.—TOTAL “FIRST-YEAR” COSTS, BY MCSIA SECTION

MCSIA section	MCSIA section title	Total first-year costs (millions of dollars, present value)
201(a)	“* * * Driving While Suspended * * *”	\$1.61
201(b)	“* * * Imminent Hazard”	2.15
201(c)	“Expanded Definition of Serious Traffic Violations”	1.41
202(a)	“Expanded Driver Record Check”	¹ 1.46
202(b)	“New Notification Requirements”	¹ 0.58
202(g)	“Masking Prohibition”	² 5.12
Total		12.33

¹ Information system implementation costs were spread over three calendar years.

² Includes information system implementation costs, State labor costs to collect, input, and transmit CDL data, and wage reduction costs to disqualified CDL holders.

These first-year cost estimates were taken from a survey conducted in the Fall of 2000, by the American Association of Motor Vehicle Administrators (AAMVA), which queried State motor vehicle administrations on the potential implementation costs of various sections of MCSIA. FMCSA used these estimates, submitted by a limited number of States (between seven and twelve, depending on the particular MCSIA section) to AAMVA, and extrapolated results to represent

information system development and modification costs to all fifty States and the District of Columbia. These costs represent personnel, hardware, and software costs to the State departments of motor vehicles to install and/or modify State information systems to accommodate the new MCSIA requirements. Since most of these provisions would be implemented simultaneously by the States, one could expect some economies of scale to occur and it is assumed that such cost savings

are included in the estimates submitted by States to AAMVA.

Later-Year Costs

Total later-year costs (e.g., those occurring beyond the first year of implementation of each provision) are estimated at \$272.6 million (present value, using a 7 percent discount rate). The majority of later-year costs occur between the years 2003 and 2011, after implementation of most provisions has begun. These totals, by sections of the MCSIA, are contained in Table B.

TABLE B.—TOTAL “LATER YEARS” COSTS, BY MCSIA SECTION

MCSIA section	MCSIA section title	Total first-year costs (millions of dollars, present value)
201(a)	“* * * Driving While Suspended * * *”	\$87.5
201(b)	“* * * Imminent Hazard”	17.6
201(c)	“Expanded Definition of Serious Traffic Violations”	43.8
202(a)	“Expanded Driver Record Check”	103.4
202(b)	“New Notification Requirements”	3.2
202(g)	“Masking Prohibition”	17.1
Total		\$72.6

These costs are primarily comprised of wage reduction costs to CDL holders who will now be suspended or disqualified as a result of this rule’s implementation. As mentioned, there are also labor costs to State government employees to handle new or expanded data collection and processing, although these costs comprise a much smaller percentage of the total than the wage reduction costs. Examples of expanded

or new data collection costs include the time required by State police to issue new citations (e.g., “Expanded Definition of Serious Traffic Violations”) and time costs for State employees to log new convictions (as defined under the Federal Motor Carrier Safety Regulations, or FMCSRs) and transmit to the Commercial Driver’s License Information System (CDLIS).

Analysis indicates that on average, approximately 31,897 commercial motor vehicle (CMV) drivers will have their CDLs disqualified (e.g., revoked, suspended or cancelled) annually as a result of implementing the six provisions analyzed here. The breakdown of estimated new CDL withdrawals by MCSIA section is contained in Table C:

TABLE C.—ESTIMATED NUMBER OF CDL WITHDRAWALS ANNUALLY, BY MCSIA SECTION

MCSIA section	NPRM section title	Annual CDL withdrawals
201(a)	“Driving While Suspended* * *”	4,296
201(b)	“* * * Imminent Hazard”	299
201(c)	“Expanded Definition of Serious Traffic Violations”	7,077
202(a)	“Expanded Driver Record Check”	16,500
202(b)	“New Notification Requirements”	¹⁰

TABLE C.—ESTIMATED NUMBER OF CDL WITHDRAWALS ANNUALLY, BY MCSIA SECTION—Continued

MCSIA section	NPRM section title	Annual CDL withdrawals
202(g)	"Masking Prohibition"	3,725
Total	31,897

¹ Any CDL disqualifications associated with this provision are accounted for under other, related provisions. For example, States will be required to notify CDLIS of those convictions CDL holders receive while operating a non-CMV, but resulting CDL disqualifications are accounted for under the "Non-CMV Offenses" NPRM.

The 31,897 annual CDL disqualifications estimated to occur as a result of this rule's implementation represent roughly 0.6 percent (or 6/10ths of one percent) of the total 5.75 million CDL holders currently estimated to be "active" CMV operators.

Given that the current unemployment rate is 4.2 percent (January, 2001, U.S. Department of Labor) and the driver shortage in the motor carrier industry is

currently estimated at approximately 80,000 (American Trucking Associations), FMCSA assumed that those CDL holders disqualified as a result of this rule would find alternative employment in the industry (or closely-related ones), albeit at a 10-percent reduction in hourly wages.

The specific disqualification period assumed for each driver (during which they are assumed to earn 10 percent less

in average weekly wages) differs significantly from provision to provision (depending on specific conviction cited), but generally lasts between 520 working hours (e.g., roughly 3 months) and 2080 working hours (e.g., roughly one year). The specific disqualification periods assumed for each section of the MCSIA analyzed here are contained in Table D.

TABLE D.—DISQUALIFICATION PERIOD ASSUMED PER DRIVER, BY MCSIA SECTION

MCSIA section	NPRM section title	Disqualification period (hours)
201(a)	"... Driving While Suspended* * *"	2080 hours
201(b)	"* * *Imminent Hazard"	520 hours
201(c)	"Expanded Definition of Serious Traffic Violations"	520 hours
202(a)	"Expanded Driver Record Check"	520 hours
202(b)	"New Notification Requirements"	N/A
202(g)	"Masking Prohibition"	520 hours

For instance, two convictions of serious traffic violations (e.g., excessive speeding, 15 mph over speed limit) within a three-year period carries a disqualification period of 60 days, while three convictions within a three-year period carries 120 days, with a midpoint of 90 days (e.g., 3 months or 520 hours, assuming a 40-hour workweek). A single conviction of a disqualifying offense (e.g., alcohol-related conviction) generally carries a one-year disqualification period, or 2080 hours.

Total Costs of MCSIA Provisions

The total cost of this rule to industry and government agencies is estimated to be approximately \$285 million (present value) over the ten-year analysis period from 2002 through 2011, using a discount rate of 7 percent.

Benefits

The primary societal benefits expected from this rule are the truck-related crashes that one would expect to be avoided due to the additional CMV operators (CDL holders specifically) who will be suspended or disqualified for violation of the new disqualifying offenses and serious traffic violations covered under this proposed rule. It was

not possible to estimate the specific number of truck-related crashes that would be avoided from implementing each provision of this rule, given that FMCSA analysts had no available data on the direct link between these specific FMCSR-defined offenses and truck-related crashes. However, FMCSA analysts did use cost data on truck-related crashes from Zaloshnja, Miller, and Spicer ("The Costs of Large Truck- and Bus-Involved Crashes," 2000) to derive an estimate of the total number of truck-related crashes that would have to be avoided per year for this rule to be cost effective (e.g., for discounted benefits to equal/exceed discounted costs). Zaloshnja, *et al.*, estimate that the average cost of all police-reported crashes (e.g., fatal, injury, and property-damage-only (PDO) crashes) involving trucks with a gross weight rating of more than 10,000 pounds is \$75,637 (in 1999 dollars). The average cost of large truck crashes involving a fatality is \$3.42 million, \$217,000 for those involving injuries, and \$11,300 for PDO crashes. Using data from "Trends in Motor Vehicle Crashes" (FMCSA, December, 2000), it can be seen that fatal, injury, and PDO crashes accounted

for one percent, 21 percent, and 78 percent of all large truck-related crashes, respectively, in 1999. As such, safety benefits of this proposed rule would exceed implementation costs if an average of 500 truck-related crashes are avoided annually over the 2003–2011 analysis period. (No crash reduction benefits are assumed to occur during the first year of implementation (2002), as a conservative assumption.) The 500 large truck crashes avoided (mostly PDO crashes), represents just 0.1 percent (or 1/10th of 1 percent) of the total 452,542 truck-related crashes reported in 1999. Breaking this total down by type of truck-related crash, the proposed rule will be cost effective if just 5 fatal crashes, 105 injury-related crashes, and 390 PDO crashes are avoided each year. Due to the conservative assumptions made here regarding the number of CDL holders expected to be disqualified because of this NPRM (e.g., more optimistic assumptions regarding CDL disqualifications would raise the potential crash reduction expectation), FMCSA analysts believe such crash reduction estimates are achievable, making this rule likely to be cost-effective.

As support, the 31,897 annual CDL disqualifications can be examined more closely. Assume each CDL disqualification period averages three months, since the disqualification period is assumed to be 90 days in most cases. Also assume that each CDL holder drives an average of 65,261 miles per year. This estimate is considered conservative, since other research indicates that large truck operators may travel upwards of 100,000 miles per year. However, data from the 1999 Highway Statistics (Table VM-1) on the annual distance traveled in miles for combination trucks indicates that each vehicle averages 65,261 miles annually. Therefore, the reduction in total commercial vehicle miles traveled (VMT) by this group is estimated at 520 million per year (e.g., $65,261 \times 31,897 \times 0.25$ (% of annual calendar days disqualified on average)). Data from Wang, Knipling, and Blincoe (Journal of Transportation Statistics, May, 1999) indicates that the vehicle involvement rate in police-reported crashes for combination unit trucks is 225.52 per 100 million VMT. As such, from a static perspective, one could expect crashes involving combination trucks to be reduced by 1,176 per year from this rule. However, it is probably more realistic to assume that a sizable portion of these drivers' shipments would be picked up by other, existing CDL holders. If it is assumed that only one half of the initial crash reduction estimate is actually experienced, then 588 combination truck crashes are avoided each year from this rule. Even at 588 crashes avoided, this rule is cost-effective, with discounted benefits equaling \$317 million (or \$32 million more than total discounted costs of \$285 million over the 2002–2011 analysis period).

Regulatory Flexibility Act

The FMCSA has considered whether this interim rule would have a significant economic impact on a substantial number of small entities, and has determined that such businesses would not be adversely affected by this rule relative to larger carriers. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000.

In the motor carrier industry, the Small Business Administration (SBA) defines small entities as those firms earning less than \$18.5 million in gross revenues annually. Examining U.S. Census Bureau data on the revenue size of firms in the "General Freight Trucking" sector (NAICS Code 4841), the vast majority of firms represented in the sample fall below the SBA annual revenue threshold. And while these small entities represent over 90 percent of the firms in the sample, they employ only about 58 percent of the workers.

The primary focus of this rule is to expedite and expand the exchange of CDL violation information among the states, with the overall goal of improving commercial vehicle safety through the retrieval of more accurate, up-to-date CDL holder information. The only potentially significant cost to the motor carrier industry would be to CDL holders, due to greater potential for disqualification as a result of adding new disqualifying offenses and serious traffic violations to the FMCSRs.

However, even the estimated number of new driver disqualifications resulting from this rule annually (approximately 31,897) is only 0.6 percent of the total number of CDL holders currently estimated to be active drivers (5.75 million). Since this proposed rule focuses on all CDL holders, and the

number of new drivers likely to be disqualified is relatively small, FMCSA analysts believe that small entities are not adversely impacted in absolute terms, or relative to industry participants overall.

Paperwork Reduction Act

This NPRM calls for collection of information under the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520). As defined in 5 CFR 1320(c), "collection of information" comprises reporting, record keeping, monitoring, posting, labeling, and other similar actions. The title and description of the information collections, a description of those who must collect the information, and an estimate of the total annual burden follow.

The time costs associated with implementation of this NPRM are primarily comprised of the following:

(1) The additional time spent by State police to check a CDL holder's record for new violations under the FMCSRs. The time cost is assumed to be 30 seconds per record checked;

(2) The additional time spent by State police to write citations for new violations covered under this NPRM (e.g., Expanded Definition of Serious Traffic Violations). The time required is assumed to be 5 minutes per citation written;

(3) The time required by State data entry employees to log the new conviction data and transmit to CDLIS. These costs are assumed to be one minute per record; and

(4) The time required by State department of motor vehicle employees to review a CDL holder's record during license application and renewal. These costs are assumed to be one minute per record reviewed. The total new time requirements under this NPRM are contained in Table E.

TABLE E.—ANNUAL STATE LABOR COSTS TO PROCESS PAPERWORK RESULTING FROM MCSIA

MCSIA section	NPRM section title	Hours required annually
201(a)	"* * * Driving While Suspended * * *"	19,641
201(b)	* * * Imminent Hazard"	¹
201(c)	"Expanded Definition of Serious Traffic Violations"	6,259
202(a)	"Expanded Driver Record Check"	27,500
202(b)	"New Notification Requirements"	2,438
202(g)	"Masking Prohibition"	1,089
Total Annual Time Cost	All Six Provisions Examined	56,927

¹ Negligible

The total annual additional time cost associated with implementation of this

NPRM is estimated to be 56,927 hours. These costs are almost exclusively borne

by State government employees who are being asked to expand the collection

and transmission of conviction information for CDL holders, and from writing additional citations related to new FMCSR violations outlined in this NPRM.

Unfunded Mandates Reform Act

This rule does not impose a Federal mandate resulting in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year (2 U.S.C. 1531 *et seq.*).

Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 13045 (Protection of Children)

We have analyzed this action under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or safety that may disproportionately affect children.

Executive Order 12630 (Taking of Private Property)

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Executive Order 13132 (Federalism)

This proposed action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and it has been determined that it would have significant Federalism implications or limit the policymaking discretion of the States.

The Federalism implications of the CDL program were addressed in detail in the rule that established the initial minimum standards (53 FR 27628, July 21, 1988). A summary of the points covered in that rule includes:

(a) The Congress determined that minimum Federal standards were required because medium and heavy trucks are involved in a disproportionately large percentage of fatal accidents. The States were carefully consulted in establishing the minimum standards that were established.

(b) The safety problem associated with CMVs is national in scope,

requiring a consistent and reciprocal approach to licensing, which retained the basic role of the States in issuing licenses.

(c) The standards adopted deliberately allowed maximum flexibility to the States in implementation of this program.

We believe the policies in this proposed rule are consistent with the principles and Federalism assessment in the CDL rule that established the initial minimum standards. Comments on this conclusion are welcome and should be submitted to the docket.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

National Environmental Policy Act

The agency has analyzed this action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and it has determined under DOT Order 5610.1C (September 18, 1979) that this action does not require any environmental assessment.

List of Subjects

49 CFR Part 350

Grant programs—Transportation, Highway safety, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

49 CFR Part 383

Administrative practice and procedure, Commercial driver's license, Commercial motor vehicles, Highway safety, Motor carriers.

49 CFR Part 384

Administrative practice and procedure, Commercial driver's license, Commercial motor vehicles, Highway safety, Intergovernmental relations, Motor carriers.

In consideration of the foregoing, the FMCSA proposes to amend 49 CFR chapter III, as set forth below:

PART 350—[AMENDED]

1. Revise the authority citation for 49 CFR part 350 to read as follows:

Authority: 49 U.S.C. 31100–31104, 31108, 31136, 31140–31141, 31161, 31310–31312, 31502; Sec. 103 of Pub. L. 106–159, 113 Stat. 1753; and 49 CFR 1.73.

2. Add § 350.217 to subpart B to read as follows:

§ 350.217 What are the consequences for a State with a CDL program not in substantial compliance with 49 CFR part 384, subpart B?

(a) A State with a CDL program not in substantial compliance with 49 CFR part 383, subpart B, as required by 49 CFR part 384, subpart C, is subject to the loss of all Motor Carrier Safety Assistance Program (MCSAP) grant funds authorized under section 103(b)(1) of the Motor Carrier Safety Improvement Act of 1999 (Public Law 106–159, 113 Stat. 1748) and loss of certain Federal-aid highway funds, as specified in 49 CFR part 384, subpart D.

(b) Withheld MCSAP grant funds will be restored to the State if the State meets the conditions of § 384.403 (b) of this subchapter.

PART 383—[AMENDED]

3. Revise the authority citation for 49 CFR part 383 to read as follows:

Authority: 49 U.S.C. 521, 31136, 31301 *et seq.*, 31502; Sec. 214 of Pub. L. 106–159, 113 Stat. 1748; and 49 CFR 1.73.

4. Amend § 383.5 to revise the definitions of the terms “Nonresident CDL” and “Serious traffic violation” and to add the definitions of the terms “Fatality”, “Imminent hazard” and “School bus” in alphabetical order to read as follows:

§ 383.5 Definitions.

* * * * *

Fatality means the death of a person as a result of a motor vehicle accident.

* * * * *

Imminent hazard means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment.

* * * * *

Nonresident CDL means a CDL issued by a State under either of the following two conditions:

(a) To an individual domiciled in a foreign country meeting the requirements of § 383.23(b)(1).

(b) To an individual domiciled in another State meeting the requirements of § 383.23(b)(2).

* * * * *

School bus means a CMV used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school sponsored events. School bus does not include a bus used as a common carrier.

Serious traffic violation means conviction, when operating a CMV, of:

(a) Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;

(b) Reckless driving, as defined by State or local law or regulation, including but not limited to offenses of driving a CMV in willful or wanton disregard for the safety of persons or property;

(c) Improper or erratic traffic lane changes;

(d) Following the vehicle ahead too closely;

(e) A violation, arising in connection with a fatal accident, of State or local law relating to motor vehicle traffic control (other than a parking violation). (Serious traffic violations exclude vehicle weight and defect violations.);

(f) Driving a CMV without obtaining a CDL;

(g) Driving a CMV without a CDL in the driver's possession. Any individual who provides proof to the enforcement authority that issued the citation, by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid CDL on the

date the citation was issued, shall not be guilty of this offense; or

(h) Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

* * * * *

5. Add § 383.7 to subpart A to read as follows:

§ 383.7 Validity of CDL issued by decertified State.

A CDL issued by a State prior to the date the State is notified by the Administrator in accordance with the provisions of § 384.405 of this subchapter that the State is prohibited from issuing CDLs will remain valid until its stated expiration date.

6. Amend § 383.23 to revise paragraphs (a)(2) and (b) to read as follows:

§ 383.23 Commercial driver's license.

(a) * * *

(2) Except as provided in paragraph (b) of this section, no person may legally operate a CMV unless such person possesses a CDL which meets the standards contained in subpart J of this part, issued by his/her State or jurisdiction of domicile.

(b) *Exception.* (1) If a CMV operator is not domiciled in a foreign jurisdiction which the Administrator has determined tests drivers and issues CDLs in accordance with, or under standards similar to, the standards contained in subparts F, G, and H of this part, the person may obtain a Nonresident CDL from a State which does comply with the testing and licensing standards contained in such subparts F, G, and H of this part.

(2) If an individual is domiciled in a State while that State is prohibited from issuing CDLs in accordance with § 384.405 of this subchapter, that individual is eligible to obtain a Nonresident CDL from any State which complies with the testing and licensing standards contained in subparts F, G, and H of this part.

* * * * *

7. Amend § 383.51, as proposed to be revised at 66 FR 22508, by adding new paragraphs (b)(7) and (b)(8) to Table 1 and by adding new paragraphs (c)(6), (c)(7), and (c)(8) to Table 2 to read as follows:

§ 383.51 Disqualifications of drivers.

* * * * *

(b) * * *

TABLE 1 TO § 383.51

If a driver operates a motor vehicle and						
	For a first conviction or refusal to be tested while operating a CMV, a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for	For a first conviction or refusal to be tested while operating a non-CMV, a CDL holder must be disqualified from operating a CMV for	For a first conviction or refusal to be tested while operating a CMV transporting hazardous materials required to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F), a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for	For a second conviction or refusal to be tested in a separate incident of any offense in this Table while operating a CMV, a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for	For a second conviction or refusal to be tested in a separate incident of any offense in this Table while operating a CMV or a non-CMV, a CDL holder must be disqualified from operating a CMV for	
	*	*	*	*	*	*
(7) drives a CMV when the driver's CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV.	1 year	N/A	3 years	life	N/A.	
(8) commits homicide by motor vehicle, manslaughter, or negligent homicide through the operation of a CMV.	1 year	N/A	3 years	life	N/A.	
	*	*	*	*	*	*

(c) * * *

TABLE 2 TO § 383.51

If the driver operates a motor vehicle and	For a second conviction of any offense in this Table in a separate incident within a 3-year period while operating a CMV, a person required to have a CDL must be disqualified from operating a CMV for	For a second conviction of any offense in this Table in a separate incident within a 3-year period while operating a CMV or non-CMV, a CDL holder must be disqualified from operating a CMV for	For a third or subsequent conviction of any offense in this Table in a separate incident within a 3-year period while operating a CMV, a person required to have a CDL must be disqualified from operating a CMV for	For a third or subsequent conviction of any offense in this Table in a separate incident within a 3-year period while operating a CMV or non-CMV, a CDL holder must be disqualified from operating a CMV for
*	*	*	*	*
(6) drives a CMV without obtaining a CDL.	60 days	60 days	120 days	120 days.
(7) drives a CMV without a CDL in the driver's possession.	60 days	60 days	120 days	120 days.
(8) drives a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.	60 days	60 days	120 days	120 days.

* * * * *

8–9. Add § 383.52 to read as follows:

§ 383.52 Disqualification of drivers determined to constitute an imminent hazard.

(a) The Associate Administrator for Enforcement and Program Delivery or his/her delegate will disqualify from operating a CMV any driver whose driving is determined to constitute an imminent hazard, as defined in § 383.5.

(b) In making the determination that a driver constitutes an imminent hazard at least two of the following six factors must be found to exist:

(1) The driver has been charged with committing an offense that upon conviction would require the driver to be disqualified.

(2) The driver's action or inaction resulted in a fatality or serious bodily injury.

(3) The driver has a condition that makes the driver medically unqualified to operate a CMV.

(4) The driver transports passengers or hazardous materials.

(5) The driver is an habitual offender, as evidenced by having been convicted of three or more disqualifying offenses within the past ten years.

(6) The driver has been convicted of one or more disqualifying offenses, but has never been disqualified by the State where he or she is licensed.

(c) The period of the disqualification may not exceed 30 days unless the provisions of paragraph (d) of this section have been complied with.

(d) Before imposing a disqualification for a period of more than 30 days, the

Associate Administrator for Enforcement and Program Delivery or his/her delegate will provide the driver notice of the proposed disqualification and an opportunity for a hearing to present a defense to the proposed disqualification. A disqualification imposed under this section may not exceed one year in duration.

(e) Any disqualification imposed in accordance with the provisions of this section must become a part of the driver's record maintained by the jurisdiction where the driver is licensed.

(f) Nothing in this section precludes a driver who would, upon conviction of a specific offense, be subject to a longer disqualification under other provisions of this subpart, or State law or regulation, from being disqualified for the longer period required by those provisions.

10. Amend § 383.71 to remove the period at the end of paragraph (a)(6) and add a semicolon in its place, to remove the period at the end of paragraph (a)(7) and add “; and” in its place, to remove “and” at the end of paragraph (b)(3), to remove the period at the end of paragraph (b)(4) and add “; and” in its place, to remove “and” at the end of paragraph (c)(2), to remove the period at the end of paragraph (c)(3) and add “; and” in its place, and to add paragraphs (a)(8), (b)(5) and (c)(4) to read as follows:

§ 383.71 Driver application procedures.

(a) * * *

(8) Provide the name of all States where the applicant has previously been

licensed to drive any type of motor vehicle.

(b) * * *

(5) Provide the name of all States where the applicant has previously been licensed to drive any type of motor vehicle.

(c) * * *

(4) Provide the name of all States where the applicant has previously been licensed to drive any type of motor vehicle.

* * * * *

11. Amend § 383.73 to revise paragraphs (a)(3)(ii) and (a)(3)(iii) introductory text and to add paragraph (a)(3)(iv) to read as follows:

§ 383.73 State procedures.

(a) * * *

(3) * * *

(ii) A check with the CDLIS to determine whether the driver applicant already has a CDL, whether the applicant's license has been suspended, revoked, or canceled, or if the applicant has been disqualified from operating a commercial motor vehicle;

(iii) A check with the National Driver Register (NDR) to determine whether the driver applicant has:

* * * * *

(iv) A request for the applicant's complete driving record from all States where the applicant was previously licensed to drive any type of motor vehicle; and

* * * * *

12. Amend § 383.93 to add paragraphs (b)(5) and (c)(5); and revise paragraphs

(b)(3), (b)(4), (c)(3) and (c)(4) to read as follows:

§ 383.93 Endorsements.

* * * * *

(b) * * *

(3) Tank vehicles;

(4) Required to be placarded for hazardous materials; or

(5) School buses.

(c) * * *

(3) Tank vehicle—knowledge test;

(4) Hazardous Materials—knowledge test; and

(5) School bus—knowledge and skills test.

13. Add § 383.123 to subpart G to read as follows:

§ 383.123 Requirements for a school bus endorsement.

(a) An applicant for a school bus endorsement must satisfy the following three requirements:

(1) *Qualify for passenger vehicle endorsement.* Pass the knowledge and skills test for obtaining a passenger vehicle endorsement.

(2) *Knowledge test.* Must have knowledge covering at least the following three topics:

(i) Loading and unloading children, including the safe operation of stop signal devices, external mirror systems, flashing lights and other warning and passenger safety devices required for school buses by State or Federal law or regulation.

(ii) Emergency exits and procedures for safely evacuating passengers in an emergency.

(iii) State and Federal laws and regulations related to safely traversing highway rail grade crossings.

(3) *Skills test.* Must take a driving skills test in a school bus of the same vehicle group (see § 383.91(a)) as the school bus applicant will drive.

(b) *Substitute for driving skills test.* (1) At the discretion of a State, the driving skills test required in paragraph (a)(3) of this section may be waived for an applicant who is currently licensed, has experience driving a school bus, has a good driving record, and meets the conditions set forth in paragraph (b)(3) of this section.

(2) A State that wishes to waive the skills test otherwise required by paragraph (a)(3) of this section, must subject applicants, at a minimum, to the conditions and limitations specified in paragraph (b)(3) of this section.

(3) An applicant must certify and the State must verify that, during the two-year period immediately prior to applying for the school bus endorsement, the applicant:

(i) Held a valid CDL with a passenger vehicle endorsement to operate a school

bus representative of the group he or she will be driving;

(ii) Has not had his or her driver's license or CDL suspended, revoked or canceled or been disqualified from operating a CMV;

(iii) Has not been convicted of any of the disqualifying offenses in § 383.51(b) or of any offense in a non-CMV that would be disqualifying under § 383.51(b) if committed in a CMV;

(iv) Has not had more than one conviction of any of the serious traffic violations defined in § 383.5, while operating any type motor vehicle;

(v) Has not had any conviction for a violation of State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident;

(vi) Has no record of an accident in which he or she was at fault; and

(vii) Has been regularly employed as a school bus driver and operated a school bus representative of the group the applicant seeks to drive and provides evidence of such employment.

(4) After [date 3 years after the effective date of final rule] the provisions in this paragraph (b) do not apply.

14. Amend § 383.153 to redesignate paragraph (a)(9)(vi) as paragraph (a)(9)(vii), revise paragraph (a)(9)(v) and add new paragraph (a)(9)(vi) to read as follows:

§ 383.153 Information on the document and application.

(a) * * *

(9) * * *

(v) X for a combination of tank vehicle and hazardous materials endorsements;

(vi) S for school bus; and

* * * * *

PART 384—[AMENDED]

15. Revise the authority citation for 49 CFR part 384 to read as follows:

Authority: 49 U.S.C. 31136, 31301 *et seq.*, 31502; Sec. 103 of Pub. L. 106–159, 113 Stat. 1748; and 49 CFR 1.73.

16. Amend § 384.206 to revise paragraph (a)(2) to read as follows:

§ 384.206 State record checks.

(a) * * *

(2) *Other States' records.* Before the initial or transfer issuance of a CDL to a person, and before renewing a CDL held by any person, the issuing State must:

(i) Require the applicant to provide the names of all States where the applicant has previously been licensed to operate any type of motor vehicle.

(ii) Within the time period specified in § 384.232, request the complete

driving record from all States where the applicant was previously licensed to operate any type of motor vehicle.

(iii) States receiving a request for the driving record of a person currently or previously licensed by the State must provide the information within 30 days.

* * * * *

17. Add § 384.208 to read as follows:

§ 384.208 Notification of disqualification.

(a) No later than 10 days after disqualifying a CDL holder licensed by another State, or revoking, suspending, or canceling an out of State CDL holder's privilege to operate a commercial motor vehicle, for at least 60 days, the State must notify the State that issued the license of the disqualification, revocation, suspension, or cancellation.

(b) The notification must include both the disqualification and the violation that resulted in the disqualification, revocation, suspension, or cancellation. The notification and the information it provides must be recorded on the driver's record.

18. Revise § 384.209 to read as follows:

§ 384.209 Notification of traffic violations.

(a) *Required notification with respect to CDL holders.* Whenever a person who holds a CDL from another State is convicted of a violation of any State or local law relating to motor vehicle traffic control (other than a parking violation), in any type of vehicle, the licensing entity of the State in which the conviction occurs must notify the licensing entity in the State where the driver is licensed of this conviction within the time period established in paragraph (c) of this section.

(b) *Required notification with respect to non-CDL holders.* Whenever a person who does not hold a CDL, but who is licensed to drive by another State, is convicted of a violation in a CMV of any State or local law relating to motor vehicle traffic control (other than a parking violation), the licensing entity of the State in which the conviction occurs must notify the licensing entity in the State where the driver is licensed of this conviction within the time period established in paragraph (c) of this section.

(c) *Time period for notification of traffic violations.* (i) Beginning on [date 3 years after effective date of final rule], the notification must be made within 30 days of the conviction.

(ii) Beginning on [date 6 years after effective date of final rule], the notification must be made within 10 days of the conviction.

19. Revise § 384.210 to read as follows:

§ 384.210 Limitation on licensing.

A State must not knowingly issue a CDL or a commercial special license or permit (including a provisional or temporary license) permitting a person to drive a CMV during a period in which:

(a) A person is disqualified from operating a CMV, as disqualification is defined by § 383.5 of this subchapter, or under the provisions of § 383.73(g) of this subchapter;

(b) The CDL holder's noncommercial driving privilege has been revoked, suspended, or cancelled; or

(c) Any type of driver's license held by such person is suspended, revoked, or canceled by the State where the driver is licensed for any State or local law related to motor vehicle traffic control (other than parking violations).

20. Revise § 384.213 to read as follows:

§ 384.213 State penalties for drivers of CMVs.

The State must impose on drivers of CMVs appropriate civil and criminal penalties that are consistent with the penalties prescribed under part 383, subpart D, of this subchapter.

21. Add § 384.225 to read as follows:

§ 384.225 Record of violations.

The State must:

(a) *CDL holders.* Record and maintain as part of the driver history all convictions, disqualifications and other licensing actions for violations of any State or local law relating to motor vehicle traffic control (other than a parking violation) committed in any type of vehicle.

(b) *Non-CDL holders.* Record and maintain as part of the driver history all convictions, disqualifications and other licensing actions for violations of any State or local law relating to motor vehicle traffic control (other than a parking violation) committed while the driver was operating a CMV.

(c) Make driver history information required by this section available to the authorized users designated in paragraph (e) of this section within 10 days of:

(1) Receiving the conviction or disqualification information from another State; or

(2) The date of the conviction, if it occurred in the same State.

(d) Retain on the driver history record all convictions, disqualifications and other licensing actions for violations for at least 3 years or longer as required under § 384.231(d).

(e) Only the following authorized users may receive the designated information:

(1) States—All information on all driver records.

(2) Secretary—All information on all driver records.

(3) Driver—Only information related to that driver's record.

(4) Motor Carrier or Prospective Motor Carrier—After notification to a driver, all information related to that driver's, or prospective driver's, record.

22. Add § 384.226 to read as follows:

§ 384.226 Prohibition on masking convictions.

The State must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a CDL driver's conviction for any violation, in any type of motor vehicle, of a State or local traffic control law (except a parking violation), from appearing on the driver's record, whether the driver was convicted for an offense committed in the State where the driver is licensed or another State.

23. Revise § 384.301 to read as follows:

§ 384.301 Substantial compliance-general requirements

(a) To be in substantial compliance with 49 U.S.C. 31311(a), a State must meet each and every standard of subpart B of this part by means of the demonstrable combined effect of its statutes, regulations, administrative procedures and practices, organizational structures, internal control mechanisms, resource assignments (facilities, equipment, and personnel), and enforcement practices.

(b) A State shall come into substantial compliance with the requirements of subpart B of this part in effect as of [effective date of final rule] as soon as practical, but, unless otherwise specifically provided in this part, not later than three years after [effective date of final rule].

24. Revise § 384.307 to read as follows:

§ 384.307 FMCSA program reviews of State compliance.

(a) *FMCSA Program Reviews.* Each State's CDL program will be subject to review to determine whether or not the State meets the general requirement for substantial compliance in § 384.301. The State must cooperate with the review, and provide any information requested by the FMCSA.

(b) *Preliminary FMCSA determination and State response.* If, after review, a preliminary determination is made either that the State has not submitted

the required annual self-certification or that the State does not meet one or more of the minimum standards for substantial compliance under subpart B of this part, the State will be informed accordingly.

(c) *Reply.* The State will have up to 30 calendar days to respond to the preliminary determination. The State's reply must explain what corrective action it either has implemented or intends to implement to correct the deficiencies cited in the notice or, alternatively, why the FMCSA's preliminary determination is incorrect. The State must provide documentation of corrective action as required by the Agency. Corrective action must be adequate to correct the deficiencies noted in the program review and be implemented on a schedule mutually agreed upon by the Agency and the State. Upon request by the State, an informal conference will be provided during this time.

(d) *Final FMCSA determination.* If, after reviewing a timely response by the State to the preliminary determination, a final determination is made that the State is not in compliance with the affected standard, the State will be notified of the final determination. In making its final determination the FMCSA will take into consideration the corrective action either implemented or planned to be implemented in accordance with the mutually agreed upon schedule.

(e) *State's right to judicial review.* Any State aggrieved by an adverse decision under this section may seek judicial review under 5 U.S.C. chapter 7.

25. Revise § 384.401 to read as follows:

§ 384.401 Withholding of funds based on noncompliance.

(a) *Following first year of noncompliance.* A State is subject to both of the following sanctions:

(1) An amount equal to five percent of the Federal-aid highway funds required to be apportioned to any State under each of sections 104(b)(1), (3), and (4) of title 23, U.S.C., shall be withheld on the first day of the fiscal year following such State's first year of noncompliance under this part.

(2) The Motor Carrier Safety Assistance Program (MCSAP) grant funds authorized under section 103(b)(1) of the Motor Carrier Safety Improvement Act of 1999 (Public Law 106-159, 113 Stat. 1754) shall be withheld from a State on the first day of the fiscal year following the fiscal year in which the FMCSA determined that the State was not in substantial compliance with subpart B of this part.

(b) *Following second and subsequent year(s) of noncompliance.* A State is subject to both of the following sanctions:

(1) An amount equal to ten percent of the Federal-aid funds required to be apportioned to any State under each of sections 104(b)(1), (3), and (4) of title 23, U.S.C., shall be withheld on the first day of the fiscal year following such State's second or subsequent year of noncompliance under this part.

(2) The Motor Carrier Safety Assistance Program (MCSAP) grant funds authorized under section 103(b)(1) of the Motor Carrier Safety Improvement Act of 1999 (Public Law 106-159, 113 Stat. 1754) shall be withheld from a State on the first day of the fiscal year following the fiscal year in which the FMCSA determined that the State had not returned to substantial compliance with subpart B of this part.

26. Revise § 384.403 to read as follows.

§ 384.403 Availability of funds withheld for non-compliance.

(a) Federal-aid highway funds withheld from a State under § 384.401 (a)(1) or (b)(1) shall not thereafter be available for apportionment to the State.

(b) MCSAP funds withheld from a State under § 384.401(a)(2) or (b)(2) remain available until June 30 of the fiscal year in which they were withheld. If, before June 30 the State submits a document signed by the Governor or his delegate certifying, and the FMCSA determines, that the State is now in substantial compliance with the standards of subpart B of this part, the withheld funds shall be restored to the State. After June 30 unreturned funds shall lapse and be allocated in accordance with § 350.313 of this subchapter to all States currently in substantial compliance with subpart B of this part.

27. Add § 384.405 to read as follows:

§ 384.405 Decertification of State CDL program.

(a) *Prohibition on CDL licensing activities.* The Administrator may

prohibit a State found to be in substantial noncompliance from performing any of the following four licensing transactions:

(1) Issuance of initial CDLs.

(2) Renewal of CDLs.

(3) Transfer of out-of-State CDLs to the State.

(4) Upgrade of CDLs.

(b) *Conditions considered in making decertification determination.* The Administrator will consider, but is not limited to, the following five conditions in determining whether the CDL program of a State in substantial noncompliance should be decertified:

(1) The State computer system does not check the Commercial Drivers License Information System (CDLIS) and/or National Driver Register (NDR) as required by § 383.73 of this subchapter when processing CDL applicants, drivers transferring a CDL issued by another State, CDL renewals and upgrades.

(2) The State does not disqualify drivers convicted of disqualifying offenses in commercial motor vehicles.

(3) The State does not transmit convictions for out of State drivers to the home State.

(4) The State does not properly administer knowledge and/or skills tests to CDL applicants or drivers.

(5) The State fails to submit a corrective action plan for a substantial compliance deficiency or fails to implement a corrective action plan within the agreed upon time frame.

(c) *Standard for considering deficiencies.* The deficiencies described in paragraph (b) of this section must affect a substantial number of either CDL applicants or drivers.

(d) *Decertification: preliminary determination.* If the Administrator finds that a State is in substantial noncompliance with subpart B of this part, as indicated by the factors specified in § 384.405(b), among other things, the FMCSA will inform the State that it has made a preliminary determination of noncompliance and that the State's CDL program may therefore be decertified. Any response from the State, including factual or legal

arguments or a plan to correct the noncompliance, must be submitted within 30 calendar days after receipt of the preliminary determination.

(e) *Decertification: final determination.* If, after considering all material submitted by the State in response to the FMCSA's preliminary determination, the Administrator decides that substantial noncompliance exists which warrants decertification of the CDL program, he or she will issue a decertification order prohibiting the State from issuing CDLs until such time as the Administrator determines that the condition(s) causing the decertification has (have) been corrected.

(f) *Recertification of a State.* The Governor of the decertified State or his or her designated representative must submit a certification and documentation that the condition causing the decertification has been corrected. If the FMCSA determines that the condition causing the decertification has been satisfactorily corrected, the Administrator will issue a recertification order, including any conditions that must be met in order to begin issuing CDLs in the State.

(g) *State's right to judicial review.* Any State aggrieved by an adverse decision under this section may seek judicial review under 5 U.S.C. chapter 7.

(h) *Validity of previously issued CDLs.* A CDL issued by a State prior to the date the State is prohibited from issuing CDLs in accordance with provisions of paragraph (a) of this section, will remain valid until its stated expiration date.

28. Add § 384.407 to read as follows:

§ 384.407 Emergency CDL grants.

The FMCSA may provide grants of up to \$1,000,000 per State from funds made available under 49 U.S.C. 31107(a), to assist States whose CDL programs may fail to meet the compliance requirements of subpart B of this part.

Issued on: July 17, 2001.

Julie Anna Cirillo,

Acting Deputy Administrator.

[FR Doc. 01-18312 Filed 7-26-01; 8:45 am]

BILLING CODE 4910-EX-P



Federal Register

**Friday,
July 27, 2001**

Part IV

Department of Education

**Federal Family Education Loan (FFEL)
Program and William D. Ford Federal
Direct Loan Program; Notice**

DEPARTMENT OF EDUCATION**Federal Family Education Loan (FFEL) Program and William D. Ford Federal Direct Loan Program**

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of child care loan forgiveness demonstration program for fiscal year (FY) 2001.

SUMMARY: The Secretary announces the eligibility criteria and procedures for implementation of the child care loan forgiveness demonstration program authorized by section 428K of the Higher Education Act of 1965, as amended (HEA). Under the demonstration program, some child care providers may have a portion of their student loans forgiven for continued work in certain child care facilities.

EFFECTIVE DATE: This notice is effective July 27, 2001.

Deadline for Transmittal of Applications: To assure consideration, applications for loan forgiveness under the demonstration program must be received no later than September 17, 2001.

Eligible Applicants: (A) To qualify for the child care provider loan forgiveness demonstration program, a borrower must:

(1) Be a new borrower in the FFEL or Direct Loan Programs, as defined in the "Program Definitions" section of this notice;

(2) Have received an associate or bachelor's degree in the field of early childhood education that was awarded by an institution of higher education; and

(3) Have worked full-time for the two consecutive years preceding the year during which forgiveness is requested as a provider in a facility that serves a low-income community.

(B) A borrower may not receive benefits for the same child care service under both subtitles D of title I of the National and Community Service Act of 1990 (AmeriCorps) and this demonstration program.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Thomas for the Federal Family Education Loan Program (FFEL) or Mr. Donald Watson for the William D. Ford Direct Loan Program (Direct Loan). Mr. Thomas and Mr. Watson can be reached at the U.S. Department of Education, 400 Maryland Avenue, SW., room 3045, Regional Office Building 3, Washington, DC 20202-5346. Telephone: (202) 708-8242.

To receive an application or a forbearance form, you may call the Child Care Provider Loan Forgiveness

support desk toll free at 1-888-562-7002. You may also write to the Child Care Provider Loan Forgiveness Program, P.O. Box 4639, Utica, NY 13504-4639. In addition, free internet access to the application and forbearance forms are available, in Adobe Portable Document Format (PDF) at the following site: <http://ed.gov/offices/OSFAP/Students/>

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact persons listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION:**Background**

This notice implements a demonstration program of loan forgiveness for child care providers as authorized under section 428K of the HEA. The HEA authorizes the Secretary, contingent upon the availability of annual appropriations, to undertake a loan forgiveness demonstration program for borrowers under the FFEL and the Direct Loan programs who have completed their education and are providing full-time child care services in child care facilities in certain communities. The child care provider loan forgiveness demonstration program is intended to bring more highly trained individuals into the early child care profession and to retain those providers for longer periods of time. The Congress has appropriated \$1,000,000 for the demonstration program for FY 2001.

Under the demonstration program, new FFEL and Direct Loan borrowers (as defined in the "Program Definitions" section of this notice) may receive forgiveness of up to 100 percent of their total eligible loans made under the FFEL subsidized and unsubsidized Federal Stafford Loan, Direct Subsidized Loan, and Direct Unsubsidized Loan programs. A loan is eligible for forgiveness only if it was made after October 7, 1998, the date of enactment of the Higher Education Amendments of 1998, which authorized the program. Loan forgiveness is provided to eligible borrowers on a progressive basis (i.e., 20 percent of the total amount of loans following two years of service; 20 percent following the third year of service; and 30 percent following each of the fourth and fifth years of service) following completion of consecutive years of full-time child care

employment serving a low-income community.

Under the HEA, loan forgiveness is available to eligible borrowers on a first-come, first-served basis, contingent upon the availability of funds. Priority for loan forgiveness in subsequent fiscal years is given to borrowers who received loan forgiveness for the preceding fiscal year.

The Secretary is required to evaluate the success of the demonstration program in achieving the statutory goals of attracting and retaining highly trained individuals into the early child care profession. In order to perform this evaluation and to ensure priority for subsequent-year funding, the Secretary will commit funds from the current fiscal year to cover the full five years of loan forgiveness for recipients, so that they can continue to receive loan forgiveness for subsequent years in which they may qualify and for which funds are appropriated.

Procedures

The Secretary has determined that the issuance of regulations to implement the loan forgiveness demonstration program for child care are not necessary at this time. Section 428K of the HEA creates the loan forgiveness for child care providers program as a demonstration program. Funding was first provided for this demonstration program in the Consolidated Appropriations Act, 2001, enacted on December 21, 2000 (Pub. L. 106-554), in which \$1,000,000 was appropriated.

In light of the limited amount of funds available and the fact that the loan forgiveness program for child care providers is a demonstration program, the Secretary has decided to issue this notice to announce the program and explain the procedures for granting loan forgiveness under the program. These procedures are based on the statutory language, and further regulations are not needed at this time. However, the President's budget for FY 2002 includes funding for this program for future years. If continued funding is provided, the Secretary intends to undertake formal rulemaking.

Program Definitions

Child care facility means a facility, including a home, that provides child care services and meets applicable State or local government licensing, certification, approval, or registration requirements.

Child care services means activities and services for the education and care of children from birth through age five by an individual who has a degree in early childhood education.

Consecutive years of employment means maintaining full-time employment for successive, uninterrupted 12-month periods as a child care provider in an eligible facility.

Degree means an associate's or a bachelor's degree awarded by an institution of higher education.

Early childhood education means education in the areas of early child education, child care, or any other educational area related to child care that the Secretary determines appropriate.

Eligible Loan means a loan made after October 7, 1998 to a new borrower under the subsidized or unsubsidized Federal Stafford Loan, Direct Subsidized Loan, or Direct Unsubsidized Loan programs and made for the purpose of completing the borrower's degree in early childhood education or child care.

Full-time employment means working as a child care provider in a child care facility at least 30 hours per week.

Institution of higher education means a public or nonprofit private institution of higher education as defined in section 101 of title I of the HEA.

Low-income community means a community in which at least 70 percent of the individuals are from families that earn less than 85 percent of the State median household income. For the purposes of this notice, the community comprises the children who receive child care at the facility.

New borrower means a borrower who had no outstanding loan balance under the FFEL or Direct Loan Program on October 7, 1998 or who has no outstanding loan balance on the date that he or she obtains a loan after October 7, 1998.

Forgiveness Amounts

(A) A borrower employed full-time as a child care provider may receive forgiveness of the borrower's eligible loans in the amount of:

(1) Twenty percent of the total amount of eligible loans after the second consecutive year (24 continuous months) of full-time employment;

(2) Twenty percent of the total amount of eligible loans after the third consecutive year (36 continuous months) of full-time employment; and

(3) Thirty percent of the total amount of eligible loans after each of the fourth and fifth consecutive years (48 and 60 continuous months respectively) of full-time employment.

(B) An eligible borrower not previously participating in the loan

forgiveness program who secures a degree in early childhood education after previously graduating from an institution of higher education in an area other than early childhood education is eligible to receive forgiveness of the total amount of eligible loans received for a maximum of two academic years in pursuit of an early childhood education degree, according to the percentages specified in paragraph (A) of this section.

(C) For each year of qualifying service, the Secretary forgives the percentage of the eligible loans plus the proportionate amount of interest that accrues on the loan.

(D) The loan holder does not refund payments that were received from, or paid on behalf of, a borrower who qualifies for loan forgiveness under this section.

Application Procedures for Cancellation and Payment Processing

(A) After completing the eligible child care service, a borrower may request loan forgiveness from the Secretary on a form approved by the Secretary and accompanied by any required supporting documentation.

(B) The Secretary makes loan forgiveness commitments to qualified applicants on a first-come, first-served basis according to the date that a complete and accurate application is received and contingent upon the availability of funds.

(C) The Secretary notifies applicants of their eligibility or ineligibility for loan forgiveness and the amount that is being forgiven.

(D) If the Secretary approves the borrower's request for forgiveness of the loan, the Secretary forwards payment of the forgiven amount to the holder of the borrower's largest current outstanding unsubsidized loan, if any, for payment on that loan. If the borrower has no outstanding unsubsidized loans, the Secretary forwards the forgiven amount to the holder of the borrower's largest current outstanding subsidized loan.

(E) If the holder determines that the amount of the loan forgiveness payment received from the Secretary exceeds the remaining balance of the loan to which it is designated, the lender shall apply the remaining balance to another eligible loan of the borrower held by the holder. If the lender does not hold any of the borrower's other eligible loans, the lender shall refund the balance to the Secretary. If applicable, the Secretary then forwards the balance to

another holder of the borrower's eligible loans.

Application Procedures for Forbearance

(A) At the written request of the borrower, the Secretary or the holder of eligible loans grants forbearance in annual increments to a borrower performing the type of service that would qualify the borrower for loan forgiveness, unless the borrower has been granted a deferment for that period of service.

(B) Before the borrower receives forbearance for eligible child care service, the borrower must:

(1) Submit documentation to the Secretary or the holder for the period of the annual forbearance request showing the beginning and anticipated ending dates that the borrower is expected to perform, for that year, eligible child care service; and

(2) Certify the borrower's understanding that receiving forbearance for eligible service does not guarantee receipt of loan forgiveness benefits.

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(Catalog of Federal Domestic Assistance Numbers: 84.032 Federal Family Education Loan Program and 84.268 William D. Ford Federal Direct Loan Program)

Program Authority: 20 U.S.C. 1078-11.

Dated: July 23, 2001.

Maureen A. McLaughlin,
Deputy Assistant Secretary for Policy,
Planning, and Innovation, Office of
Postsecondary Education.

[FR Doc. 01-18782 Filed 7-26-01; 8:45 am]

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LIST OF PUBLIC LAWS

This is a continuing list of
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www.access.gpo.gov/nara/
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